United States in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of T. K. Rowen, of Ocean Grove, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Christadelphians, praying for exemption from all forms of military service; to the Committee on Military Affairs.

Also, petition of the Commercial Exchange of Philadelphia, Pa., approving recent act of the President of the United States in severing relations with Germany; to the Committee on Foreign Affairs.

By Mr. ELSTON: Petition of Knox Presbyterian Church, Berkeley, Cal., for the passage of a bill to prohibit the manufacture and sale of alcoholic liquor in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Knox Presbyterian Church, Berkeley, Cal., for the passage of a bill to prevent advertising of, and soliciting for, sale of alcoholic liquor by mail in prohibition territory; to the Committee on the Judiciary.

By Mr. FULLER: Memorial adopted at a mass meeting of organized labor protesting against war and asking a referendum vote before war is declared by Congress; to the Committee on Foreign Affairs.

Also, petition of 54 people of the Woman's Christian Temperance Union of Genoa, Ill., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of the Commercial Exchange of Philadelphia, indorsing the action of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Lawrence Chamber of Commerce, relative to the separation of the Long Island Sound steamships from the control of the New York, New Haven & Hartford Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Dorchester and Boston, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boston, Haverhill, and Newton, all in the State of Massachusetts, urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, memorial of the New York Association for the Protection of Game, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. GARDNER: Memorial adopted by the Union League Club of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of William F. Eldredge and other residents of Rockport, Mass., urging passage of House bill 20080, known as the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. HAYES: Memorial adopted by citizens of the city of San Jose, county of Santa Clara, Cal., asking investigation of labor conditions at Everett, Wash.; to the Committee on Labor.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 20926, to increase pension of Benjamin Vanfossen; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20927, to increase pension of John W. Vanfossen; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20429, granting increase of pension to Charles E. Spear; to the Committee on Invalid Pensions.

Also, paper to accompany House bill 20928, to increase pension of Alonzo M. Hobbs; to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of Leo Luedtke and 22 other citizens of Tawas City, Mich., relative to declaration of war only by referendum vote; to the Committee on Foreign Affairs.

By Mr. MORIN: Petition of Mrs. Edward A. Jones, president of the Congress of Women's Clubs of Western Pennsylvania, relative to Congress indorsing the movement of the Bureau of Naturalization and the public-school authorities in the work of educating the alien; to the Committee on Immigration and Naturalization.

By Mr. PATTEN: Petition of sundry citizens of New York, relative to Americans keeping out of the danger zone; to the Committee on Foreign Affairs.

By Mr. ROWE: Petition of sundry citizens of Brooklyn and New York, N. Y., opposing mail-exclusion and prohibition measures; to the Committee on the Judiciary.

Also, petition of Miss Jean W. Simpson, New York, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Commercial High School, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Louise Merritt, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, memorial of the American Forestry Association, Washington, D. C., favoring legislation to eradicate the pine-blister disease; to the Committee on Agriculture.

By Mr. STAFFORD: Memorials adopted by the Masons and Bricklayers' Union No. 8, of Milwaukee, protesting against a declaration of war against Germany; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petition of Women's Clubs of Western Pennsylvania, in support of Senate bill No. 7909; to the Committee on Immigration.

By Mr. TINKHAM: Petition of Boston Gaelic School Society, against enacting any law abridging the rights and liberties of American citizens; to the Committee on the Judiciary.

By Mr. WARD: Petition of Lorin Schantz and 14 residents of Highland, N. Y., opposing mail-exclusion and prohibition measures; to the Committee on the Judiciary.

Also, petition of E. J. Depuy and other residents of Wurtsboro, N. Y., for the submission to the States of a national prohibition amendment; to the Committee on the Judiciary.

Also, petition of 125 people of the Methodist Episcopal Church of Clintondale, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 220 people of the Friends' Church, Clintondale, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. WHALEY: Petitions of of sundry citizens and church organizations of South Carolina, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *February 16, 1917.*

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Stone
Bankhead	Hughes	Oliver	Sutherland
Brady	Husting	Overman	Swanson
Bryan	James	Owen	Thomas
Catron	Johnson, S. Dak.	Page	Thompson
Chamberlain	Jones	Poindexter	Tillman
Clapp	Kenyon	Ransdell	Townsend
Colt	Kirby	Robinson	Vardaman
Culberson	La Follette	Saulsbury	Wadsworth
Cummins	Lane	Shafroth	Walsh
Curtis	Lea, Tenn.	Sheppard	Warren
Fernald	Lodge	Sherman	Watson
Fletcher	McCumber	Shields	Weeks
Gallinger	Martin, Va.	Simmons	Williams
Gronna	Martine, N. J.	Smith, Md.	
Hitchcock	Myers	Smoot	

Mr. MARTINE of New Jersey. I desire to announce the absence of the senior Senator from Oklahoma [Mr. GORE] on account of illness. I ask that this announcement may stand for the day.

Mr. LEA of Tennessee. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is detained from the Senate on account of illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I desire to ask for a unanimous-consent agreement. I send it to the desk and ask that it may be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 1 o'clock on Saturday, February 17, 1917, the Senate will proceed to the consideration of H. R. 9533, a bill to provide a civil government for Porto Rico, and for other purposes, and during that day shall vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock on the 17th day of February, 1917, no Senator shall speak more than once or longer than five minutes upon the bill or more than once or longer than five minutes upon any amendment offered thereto.

Mr. LODGE. Mr. President, if I may be permitted a word, the bill, I understand, is substantially completed. It is a very important bill and ought to pass; but there is pending to it a

prohibitory amendment which, without a referendum, will give rise to a great deal of debate, and properly so. I am not prepared at this stage to consent to a unanimous-consent agreement.

Mr. SHAFROTH. I will state to the Senator that every amendment has been disposed of except this one.

Mr. OVERMAN. I shall have to object.

Mr. LODGE. That is what I did.

Mr. SHAFROTH. I know; but it does seem to me that if I do not get in the bill before the revenue bill I can not get it up at this session. That is the trouble. That is the reason why I want Senators to agree that a final vote shall be taken.

Mr. LODGE. The Senator from Colorado knows that if the referendum is accepted as to the prohibitory amendment, the bill will pass in a few moments, but if the referendum is not accepted, I feel I shall be compelled to object to the unanimous-consent agreement.

Mr. SHAFROTH. I have been struggling for some time to get the Senate to agree to some proposition for fixing a time for a final vote on the bill.

Mr. GRONNA. May I ask the Senator from Massachusetts why he is so fearful of allowing the Senate to vote on the amendment referred to?

Mr. LODGE. Because, Mr. President, I am firmly of the conviction that prohibition ought not to be imposed on any community without their having an opportunity to pass upon it.

Mr. GRONNA. Then, if that be true, is it not reasonable to believe that the Members of the Senate have sufficient intelligence to vote the proposition down?

Mr. LODGE. Does the Senator from North Dakota mean the referendum?

Mr. GRONNA. I refer to the proposed amendment.

Mr. LODGE. As I said before, if the referendum could be attached to the bill, I would not have one word of objection to make; but if the referendum is in doubt, it will lead to a great deal of discussion. Therefore, I object to the suggestion of the Senator from Colorado.

POST OFFICE APPROPRIATIONS.

The Senate resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. NORRIS. Mr. President, I offer an amendment to the pending bill, which I send to the desk.

The VICE PRESIDENT. Does the Senator mean an amendment to the amendment now pending?

Mr. NORRIS. It is an amendment to the amendment?

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Commencing on page 4, line 23, it is proposed to strike out, after the words "shall be," down to and including the word "thereof," in line 4, on page 5, and in lieu thereof to insert the following:

> The zone system now applying to parcel-post matter to be adapted also to second-class matter at the following rates, to wit: Local, first and second zones (under 150 miles), one-half cent per pound; third zone (300 miles), 1 cent per pound; fourth zone (600 miles), 1½ cents per pound; fifth zone (1,000 miles), 2 cents per pound; sixth zone (1,400 miles), 2½ cents per pound; seventh zone (1,800 miles), 3 cents per pound; eighth zone (over 1,800 miles), 3½ cents per pound.

Mr. OLIVER. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Pennsylvania will state his inquiry.

Mr. OLIVER. I should like to have the present parliamentary situation explained. It seems to me that this amendment to the amendment which is proposed by the Senator from Nebraska is not in order as an amendment to the proposition that is now pending, as I recollect it.

Mr. NORRIS. As I understand, the vote by which the amendment was agreed to was reconsidered and the amendment is now before the Senate.

Mr. SMOOT. No, Mr. President.

Mr. OLIVER. And it was defeated, as I understand.

Mr. SMOOT. The motion before the Senate is to adopt the following:

> *Provided*, That on and after July 1, 1917, drop letters shall be mailed at a rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

Mr. NORRIS. That is not a motion; that is a right, as I take it, the Senator has. I do not want to interfere with his right to ask for a division of the question; and when we come to vote we will have to vote on that question; but that does not preclude amendments either to that part or to any other part of the pending amendment. The pending amendment, Mr. President, is the entire matter commencing on line 15, page 4, and ending on line 9, page 5. That amendment contains more than one proposition or, at least, that is the theory of the Senator, and I agree with him that it is perhaps subject to division. It seems to me that it is, and I think the Senator has a right to demand a division. I am not objecting to that, but he does not get that right to demand a division by making a motion; there is no motion pending——

Mr. SMOOT. Yes; there is.

Mr. NORRIS. There is no motion pending to divide the question. Any Senator has a right, if the question is divisible, to have a separate vote; but any part of the amendment is subject to amendment, and, I take it, we will not vote until the amendments are disposed of, at least so long as there is one pending. Therefore, it seems to me that the amendment I have offered is in order now. If it is adopted or if it is defeated, it does not interfere with the right of the Senator from Utah or any other Senator to make any demand in regard to a division of the question that he may desire to make.

Mr. SMOOT. Mr. President, on page 3776 of the CONGRESSIONAL RECORD, after the vote was taken on the motion to reconsider, and it was agreed to, the Senator from Utah made this statement:

> Mr. SMOOT. Mr. President, I now ask for a division of the two questions in the amendment now pending, the first vote to be taken upon the following part of the amendment:
> "*Provided*, That on and after July 1, 1917, drop letters shall be mailed at a rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices."

Mr. NORRIS. That is not a motion; that is a right the Senator has.

The VICE PRESIDENT. There is no doubt about the right to amend this amendment and there is no doubt that the amendment of the Senator from Nebraska is in order. When the matter comes to a vote the Senator from Utah has a clear right to have a separate vote on the first branch of the amendment, but that does not prevent an amendment being offered to the amendment.

Mr. OLIVER. Mr. President, another parliamentary inquiry.

The VICE PRESIDENT. The Senator from Pennsylvania will state it.

Mr. OLIVER. I ask whether, the question being divided, a point of order will lie against a part of the amendment without lying against all?

The VICE PRESIDENT. The present occupant of the chair has heretofore decided that the proper decision is to sustain the point of order to the entire amendment, if it is sustainable, and then that portion of it subject to a point of order can be presented by a new amendment. That has been the uniform ruling of the present occupant of the chair.

Mr. NORRIS and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. Mr. President, I desire briefly to address myself to the question. I should like to say to the Senator from Utah that I am compelled to be absent from the Senate to attend a conference meeting that is in session now, and I should be glad if I could have permission to say what I have to say now, and then attend that meeting.

Mr. President, I listened with a great deal of interest to the Senator from Georgia [Mr. SMITH] last night before we adjourned. I had given to this subject some little consideration, and it seemed to me that the Senator from Georgia stated the principle properly in his argument. The amendment that I have offered carries out that idea, with the exception, of course, that men may disagree as to the charges that ought to be made in the various zones.

To begin with, it is conceded that second-class matter costs a great deal more to the Government than the Government gets out of it. I believe the experts say that it involves a loss to the Government of some $80,000,000. I think it is conceded also that within a comparatively small radius of the place of publication, if the Government carries the second-class matter at the rate provided by law, to wit, 1 cent a pound, it makes a profit out of the business. Then, I presume it will be conceded also that no one desires to make a profit out of the business, and I think it will be conceded by a large proportion, at least, of Senators and others who have given the question consideration, that it would not be wrong as a matter of governmental policy if we did grant to newspapers and other publications in the second-class list some subsidy. I think it is also conceded, however, that we ought not to grant the large amount of subsidy that the present law grants.

Newspapers and magazines, as I understand, do not use the mails for the transportation of their publications within a small

radius of 100 or 150 miles from the place of their publication, because they can send them cheaper by express. There is, therefore, no economy in their using the mails. They do not use them because they can do it cheaper otherwise. We do not get that part of the business, no matter what the rate is. If we fix a rate that is higher than the express companies will charge, the business will go, and properly go, to the express companies.

I am willing that there should be some loss on the matter. It seems, therefore, if we want to provide for the most economical method of handling this business that it is absolutely necessary to divide the country up into zones and take distance into consideration.

Why should we not take distance into consideration? Why, Mr. President, we had it discussed a great many years when we had the Parcel Post System before us; and it finally resulted, after a great deal of consideration and debate, in the adoption of what is known as the zone system. Wherever the weight is sufficient to be a material item in the transportation of an article, no matter what it may be, then distance becomes important. It is not so important in a letter; and we have a universal rate extending over the entire country on a letter, because the weight is so small that it would cost more to compute a mileage and a weight basis than it would save. But when we come to carrying bulky articles, tons of articles, when we come to carrying publications by the ton, by the carload, then distance ought to be considered. The express company, whose rates are made up entirely on the theory of a business proposition, considers distance on such articles. We consider it on everything else. So that when the weight becomes a material matter we ought to take distance into consideration, because that is a part of the cost. We can not eliminate it, as a matter of fact, when we come to pay the bill. Why should we eliminate it when we come to make the charge?

I hold in my hand one copy of the publication known as the Iron Age, issued January 4, 1917. It weighs 4 pounds and 14 ounces.

Mr. SMITH of Georgia. Nearly five pounds.

Mr. BRYAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Florida.

Mr. BRYAN. Right upon that point I want to make this suggestion to the Senator: The present rate is 1 cent per pound in any zone.

Mr. NORRIS. Yes.

Mr. BRYAN. The Senator's amendment would make it half a cent a pound——

Mr. NORRIS. For the first 150 miles.

Mr. BRYAN. In the first zone; that is, up to 150 miles.

Mr. NORRIS. Yes.

Mr. BRYAN. That is reducing the present rate.

Mr. NORRIS. Yes, sir.

Mr. BRYAN. Now, here is what will happen unless the Senator allows the rate to remain at least 1 cent per pound. Here is exactly what will happen: That document, and others like it, will be shipped by freight into the zone, and then it will be mailed out from there; and the Government will suffer twice the loss it is suffering now on that kind of a publication within that zone.

Mr. NORRIS. No; I do not agree with the Senator. Take this very publication: I do not suppose, within the first 100 or 150 miles, that they send it by mail. It goes by express.

Mr. BRYAN. No; the Senator does not get my point at all.

Mr. NORRIS. Just let me finish; then I shall be glad to yield to the Senator. It goes by express. There is a profit in it. We do not get the profit. Wherever they are going to send it a distance that the express company will not carry it, we get the business, but there is a loss in it. Now, I have no objection to the publishers sending it by freight and then putting it in another zone and letting it be mailed there. I suppose we would have to change the law before a publication could do that; it must be mailed at the office where it is published, but I have no objections to that.

Mr. BRYAN. I will suggest this to the Senator: Let the present rate stand up to 300 miles—up to the end of the second zone—and then begin the Senator's addition, instead of cutting it down, because that will happen, and that is the very thing that has happened in the parcels post. That is the thing that happens in connection with these great catalogues, weighing several pounds, gotten out by the mail-order houses. They ship them into the zone in which they will be delivered, and the Government sustains the loss. If the Senator puts this rate at half a cent a pound, there will be an inducement to do that. The Senator can very easily leave it 1 cent up to the 300 miles, and then begin his increase, without putting in jeopardy the revenues that are now obtained by the Government.

Mr. NORRIS. I have discussed that question to some extent, and I will return to it again before I close. I was not quite through with the general explanation I wanted to make.

Mr. BRYAN. Just one other suggestion. I notice that the Senator's amendment puts in parentheses the mileage contained in the zones. For instance, he says, "third zone (300 miles), * * * fourth zone (600 miles)." I suggest to the Senator that he modify his amendment by striking out the number of miles, because, of course, the third zone is from 300 up to 600 miles, and just leave it "third zone." The law fixes that.

Mr. NORRIS. No; the third zone is from 300 miles down. The Senator refers to the language in the parentheses?

Mr. BRYAN. Yes.

Mr. NORRIS. I have no objection to striking that all out.

Mr. BRYAN. I suggest that the Senator leave that out.

Mr. NORRIS. I only put that in as a matter of explanation to Senators who might read the amendment. That is the only reason why I put it in.

Mr. BRYAN. That is a very good purpose, but it ought not to be incorporated as a part of the amendment.

Mr. NORRIS. I think that is a good suggestion. I am perfectly willing to strike that out. Now let me proceed.

I was taking this particular publication as an illustration. It is estimated that 10 per cent of the edition of this publication goes by express. Why? Because they can send it cheaper in that way. Wherever there is a profit in it the express company will carry it; and I am not complaining of that. That is what I would do if I were publishing. That is what anybody would do. The publishers are perfectly justified in doing it; but it seems to me that we ought to fix the law so that we would not get a profit, and yet so that we would get the business. It would be advisable, if we could, to send these publications for a less rate than that I have named in the amendment. We do not want to make money out of it. It is also stated here, however—I think I got this information from the Senator from Florida; I think probably he has already read it to the Senate—that the Government received $614 for distributing this publication, and that it cost the Government $4,300 to make that distribution.

It is estimated, I do not know that it is a correct statement or not, that the price for advertising matter in this publication is $50 a page. There are 636 pages of advertising matter here, and at $50 a page it would amount to $31,800. There are 132 pages of other matter, reading matter, so called, in the publication.

Mr. President, it may be an exaggerated instance, but there are thousands of other illustrations that could be given, daily newspapers, Sunday editions particularly, that only in a smaller degree illustrate the same proposition. I do not believe that the Government ought to carry that at the rate we are compelled under the law to exact now. It is not unjust to make the charge somewhat commensurate with the service.

There would be a loss undoubtedly if this amendment were adopted; the Government would not get out whole; I am not expecting or asking that it get out whole, but it would base the charges somewhat on the cost the Government is put to in making the distribution of these publications.

Now, I want to say just a word about the rates I have named. I am not an expert. These rates may not be high enough, some of them may be too high, although I doubt that. I have tried to make them, if there is anything varying, too low rather than too high. This is going to conference. The Post Office Department has its experts. If there is something wrong with the rate I propose to charge here it can be remedied when we get the evidence of experts before the conference committee. In other words, it seems to me that it is the fundamental principle involved that we ought to enact into a law so that we can base the charges somewhat upon the cost.

Mr. WORKS. Mr. President——

Mr. NORRIS. I yield to the Senator from California.

Mr. WORKS. The principal objection I see to this zone system, if I may call the Senator's attention to it, is that it very evidently discriminates in favor of the large dailies in the cities, for example, and against the fraternal and religious publications that go out all over the country, because of their extended membership. I have received many telegrams from publications of that kind, as I suppose every other Senator has, calling my attention to the injustice of the zone system as applied to that kind of a publication. I think it would be utterly unjust, because the large daily newspaper circulates only a short distance away from home and almost all such publications would fall inside the first zone and would not be called upon to pay the additional amount that would result from this zone system, while the fraternal publications and religious publications go out all over the country, and their members would be subjected to the higher rate of postage. That seems to me to be unjust.

Mr. NORRIS. Mr. President, I want to say in answer to the Senator from California that I have given that matter some attention, and I have received the same kind of protests he is making. I would be glad to be more lenient if I could to the kind of publications the Senator mentions. I do not see how it is possible, however, to do it unless we would base it on the proposition of advertising. If we base the charges on the amount of advertising that a concern does and charge them a higher rate for the advertising part of it than for the other, we might reach that somewhat, but these publications would not agree not to carry advertising matter. After all, however, if we come down to a matter of absolute justice, has any proprietor of a newspaper or magazine the right to ask the Government to do something for him for nothing, or do so much more for nothing than it will do for its other citizens? If the daily newspaper circulates within 150 miles of its place of publication it costs the Government less to transport it and deliver it to subscribers than if it traveled 5,000 miles. So we have to take into consideration the interests of the taxpayers of the entire people of the country somewhat, and they ought to be given some consideration, because they have to pay the bill.

Mr. SMOOT. Mr. President, I notice the Senator proposes 3½ cents per pound on second-class mail matter going to the eighth zone. Of course the eighth zone embraces all distances over 1,800 miles. If that were the case, then second-class mail matter that came from anywhere in the East going to any place, say, 300 miles west of Omaha, would have to pay 3½ cents a pound?

Mr. NORRIS. Yes.

Mr. SMOOT. I think that that is an exceedingly high rate to be imposed upon the papers of many of the religious and other organizations, farmers' journals, and so forth. If it is to be applied to the second-class mail matter, if we are going to charge 3½ cents a pound on second-class mail matter and make a zone system for second-class mail matter, why should not the same principle be made to apply to first-class mail matter? We make no zones for first-class mail matter.

Mr. NORRIS. Let me answer that, Mr. President. I thought I did answer it. First-class mail matter consists of letters. It would be impracticable to make a zone system of letter mail because the weight is an infinitesimal matter, it is too small to be taken into account, whereas a newspaper or magazine sending out tons on every publication day it can easily be and must be weighed at the time it is sent out. It is an easy matter to apply the zone system to that, but it would bring infinite confusion to apply it to every letter, so that every time you mailed a letter you would have to inquire of the postmaster how much postage you would have to put on it. In other words, while in theory the zone system would be all right in the letter mail, in the matter of practice it would be impracticable. It would take too much time to work it out, cause too much confusion, and do much more damage than it would do good.

Mr. SMITH of Georgia. Will the Senator yield to me just a moment? The two elements of cost to the Government are handling and hauling. The letter is so light that the hauling cost amounts to practically nothing to the Government——

Mr. NORRIS. That is right.

Mr. SMITH of Georgia. While the handling cost is 80 per cent of the expense to the Government. So distance does not substantially affect the cost to the Government of handling first-class matter. The bulk comes as to second-class matter, and that is why the zone system is right as to one and wrong as to the other.

Mr. NORRIS. I thank the Senator. I think what he states is correct. I want to call attention, however, to the criticism of the Senator from Utah. I have fixed for the eighth zone 3½ cents. He says that is too high. The Senator from Florida complains that the first zone is too low. Of course, we will always disagree as to those rates. Other Senators will say that the eighth zone is too low. It has cost us more than 3½ cents to handle second-class mail in the eighth zone. We must reach a compromise somewhere. The experts of the department say it costs 8 cents per pound. So if I am proposing to charge 3½ cents a pound, and it costs 8 cents to do the work, certainly the owners who are circulating their publications in the eighth zone ought not to complain. It seems to me that we are treating them liberally.

Mr. President, as I said, I am called out to attend a conference committee and I will now yield the floor. I think this matter should go through in some form. I am not so much impressed with the particular rates I have attached here. My own idea is they are right, but I know it is a matter of compromise, and I know that to some extent it is a matter of expert knowledge. The conferees on the part of the Senate and the conferees on the part of the House can have, and will have, before them the assistance of all the experts that the Government has in the Post Office Department. It seems to me if we once adopt the fundamental principle we will be able to work out a system that is fair, and if it should be found on trial that some rate is too low or some rate is too high it could be easily modified, even if a mistake were made, at a subsequent Congress.

Mr. BRYAN. Before the Senator concludes——

Mr. NORRIS. I yield to the Senator.

Mr. BRYAN. I ask him if he will not modify his amendment so as to fix the rate at 1 cent per pound in the first and second zone?

Mr. NORRIS. No; Mr. President, I have not been impressed with the argument, much as I usually admire the logic of the Senator, that that rate ought to be 1 cent a pound. I do not think there is anything sacred about a 1 cent a pound rate. We are making a profit in that part. We ought not to do that. We ought to do it just as economically as we can.

Mr. BRYAN. The Senator says he is about to leave the Chamber?

Mr. NORRIS. Yes?

Mr. BRYAN. I am going to move before the Senator's amendment is disposed of to raise the rate from one-half cent to 1 cent, and I give notice of it so that no one can come back here and say that any advantage has been taken of him.

Mr. NORRIS. The Senator, or course, or any other Senator, can move any modification he pleases, and I can vote against it; although even if that modification were made I would still favor the amendment.

Mr. HITCHCOCK. I should like to ask my colleague if he reserved in Committee of the Whole the privilege of offering this amendment?

Mr. NORRIS. No; I did not.

Mr. HITCHCOCK. I make the point of order that the right to offer that amendment was not reserved.

The VICE PRESIDENT. The point of order is overruled.

Mr. HITCHCOCK. Will the Chair advise me on what ground?

The VICE PRESIDENT. A Senator does not have to reserve anything in Committee of the Whole. Any Senator has a right to offer any amendment in the Senate.

Mr. NORRIS. It is a common occurrence and happens nearly every time we get a bill into the Senate.

Mr. HITCHCOCK. This was passed upon in Committee of the Whole?

Mr. NORRIS. This amendment was not passed on in Committee of the Whole. It was not offered in Committee of the Whole.

The VICE PRESIDENT. No.

Mr. HITCHCOCK. Then I make a point of order against the amendment now before the Senate to which my colleague offers his amendment.

The VICE PRESIDENT. This whole thing is going to be settled in the Senate and the Chair is going to save time. On the amendment which is now under consideration the point of order was sustained in Committee of the Whole. There was no right to offer it in the Senate. Therefore, by unanimous consent it came in the Senate; no one raised the question. The Chair believes that it is now before the Senate by unanimous consent and overrules the point of order. An appeal can be taken and we can get along very rapidly.

Mr. HITCHCOCK. Mr. President, I make the point of order that it is legislation on an appropriation bill.

The VICE PRESIDENT. That is the one the Chair has just ruled on.

Mr. STONE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STONE. The amendment before the Senate to which the ruling of the Chair just made was directed, relates to that part of the amendment which concerns first-class postage.

The VICE PRESIDENT. No.

Mr. STONE. The part upon which the Senator from Utah demanded a separate vote.

The VICE PRESIDENT. The Chair knows that the Senate is going to settle this question, and for the purpose of expediting matters the Chair rules: First, the Chair has uniformly held that a point of order goes to the entire amendment and not to the right of a Senator to have a vote upon certain portions of the amendment; therefore, any point of order raised goes to the amendment and not to a part of the amendment. From that ruling no appeal has ever been taken. Secondly, this entire amendment was ruled out in Committee of the Whole upon a point of order.

When general legislation subject to a point of order has been presented by amendment and the point of order has been raised and sustained as in the Committee of the Whole, and it is

subsequently introduced in the Senate and passed by the Senate, it can not be reconsidered for purposes of raising a point of order to it, but only for purposes of amendment.

Mr. BRYAN. I beg to correct the Chair. It was not ruled out on a point of order. The Senate refused to waive the rule.

The VICE PRESIDENT. It went out on a point of order. The Senate refused to set aside the rule so that it might be introduced.

Mr. BRYAN. That is right.

The VICE PRESIDENT. It was not therefore competent in parliamentary practice to introduce it in the Senate except by unanimous consent. When it was presented and introduced the view of the Chair is that it came in by unanimous consent, and therefore a point of order can not be sustained to it unless by unanimous consent. That is the ruling of the Chair, and there can be an appeal from it; it is very easily settled.

Mr. STONE. What is the immediate question before the Senate?

The VICE PRESIDENT. The Senator from Nebraska has just raised two points of order; one, as the Chair understands it, that this is general legislation.

Mr. STONE. My inquiry is not directed to the point of order. Waiving that for the moment, on the bill itself what is the amendment pending?

The VICE PRESIDENT. The entire amendment with reference to postal charges.

Mr. STONE. The entire amendment?

The VICE PRESIDENT. Certainly.

Mr. STONE. But the Senator from Utah [Mr. SMOOT] has asked that a separate vote be taken upon a certain clause.

The VICE PRESIDENT. Certainly. The Chair has ruled on that this morning and no appeal has been taken.

Mr. STONE. What was the ruling of the Chair?

The VICE PRESIDENT. The ruling of the Chair was that the entire amendment is before the Senate for amendment.

Mr. STONE. That is perfectly plain, but as to the part upon which a separate vote is asked?

The VICE PRESIDENT. That rule only applies to the vote. It is only applicable when we get down to a point where there is nothing to be done but to vote.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WILLIAMS. As I understand the situation at present, the Senator from Utah [Mr. SMOOT] has asked for a separate vote upon his drop-letter 1-cent postage proposition?

The VICE PRESIDENT. Yes.

Mr. WILLIAMS. The amendment contains three separate and distinct propositions. One is to raise the postage upon newspapers, one to raise the postage upon magazines, and one to reduce the postage upon drop letters. The parliamentary inquiry which I wish to propound is this: Is it in order now for any Senator to demand as a matter of right a separate vote upon each of the three propositions? Thus far a separate vote has been demanded only upon one of them.

The VICE PRESIDENT. There is not any doubt about the right to a separate vote upon the propositions as they may finally be in the amendment when it has been perfected.

Mr. WILLIAMS. Then I wish to give notice that I demand now a separate vote finally at that stage upon each of the propositions—the drop-letter proposition, the newspaper proposition, and the magazine proposition.

Mr. BRYAN. Mr. President, a parliamentary inquiry. There are only two propositions in the amendment. One is as to first-class mail matter and the other as to second-class mail matter.

The VICE PRESIDENT. The Chair is not going to decide that question until the amendment finally comes to a vote.

Mr. STONE. It may be my fault, but the Chair's answer is not clear to me as to my inquiry. The three propositions stated by the senior Senator from Mississippi [Mr. WILLIAMS] are embraced in one general amendment. If the point of order should be made, as it can be made, against the whole amendment, can it likewise be made against any part of the amendment on a separate vote?

The VICE PRESIDENT. The Chair has already decided a number of times that the point of order must go to the entire amendment.

Mr. HITCHCOCK. If the Chair will permit me to call his attention to the RECORD, the Chair has stated that he was of the impression that unanimous consent had been given for the consideration of this amendment in violation of the rules of the Senate. I desire to call the attention of the Chair to the fact that on yesterday several requests were made for unanimous consent, and the Senator from Virginia [Mr. MARTIN] specifically objected to each one.

The VICE PRESIDENT. The Chair was in the Chamber at that time. This is the ruling of the Chair, in order to——

Mr. HITCHCOCK. Will the Chair permit me, please, to present this? I am not going to appeal from the decision of the Chair; but I am appealing to the Chair, because this is a manifest right of the dependence upon the rules of the Senate. I read from the RECORD:

> Mr. MARTIN of Virginia. Mr. President, I object to the unanimous consent the Senator from Mississippi asks. I am not willing to be put on terms in respect to this matter.

Now, I desire to call the attention of the Chair to the fact that for an hour or two on yesterday afternoon before adjournment the whole question before the Senate was, whether unanimous consent should be given for the consideration of this amendment, and on every occasion when the request was put Senators specifically objected to giving unanimous consent. The whole controversy arose because unanimous consent was refused.

The VICE PRESIDENT. The Chair has a clear recollection of just what occurred upon yesterday. No Senator raised the question or asked the opinion of the Chair at that time. The Chair had ruled with the belief that there would be an appeal, that we would some time get through with the question. The Chair can not change the opinion, when a point of order has been sustained in Committee of the Whole, that that renders it improper and illegal to again introduce it in the Senate except by unanimous consent, and that unanimous consent is to be taken as having been granted when it goes to the extent of having been introduced in the Senate and adopted by the Senate. That is the ground upon which the Chair makes the ruling.

Mr. HITCHCOCK. Mr. President, on several occasions yesterday the Senator from Florida [Mr. BRYAN] inquired whether this could be done and no point of order raised, and on each of those occasions some Senator asserted that a point of order would be raised at the proper time. The amendment of the Senator from Utah [Mr. SMOOT] is in order for the reason that he gave notice that he would reserve the right to offer the amendment, and no point of order has as yet been raised against that particular amendment for 1 cent drop-letter postage; but on every possible occasion the point of order has been made against the amendment that is now presented to the Senate.

The VICE PRESIDENT. The Chair has no pride of opinion; and the Senator from Nebraska may be entirely right. The Chair, however, has ruled for the purpose of bringing the matter to an issue. An appeal from the decision of the Chair will very speedily settle the question. The Chair will not feel the least bit put out at Senators voting against the ruling of the Chair.

Mr. GRONNA. Mr. President, I do not wish to take an appeal from the decision of the Chair, though I think the Chair is wrong in his decision, because so far as the amendment offered by the Senator from Nebraska [Mr. NORRIS] is concerned, it is clearly legislation; but I wish to ask, what has become of that amendment?

The VICE PRESIDENT. It is pending, if there is no appeal taken from the decision of the Chair.

Mr. GRONNA. I inquire if it is in order to ask for a separate vote on that particular amendment? If so, I should like to make a demand for a separate vote upon it.

Mr. SMITH of Georgia. Mr. President, it was impossible to hear the Senator from North Dakota on this side of the Chamber.

Mr. GRONNA. I will try to make myself heard. I was merely making a parliamentary inquiry, I will say to the Senator from Georgia.

Mr. BRYAN. What was it?

Mr. GRONNA. My inquiry was, whether it was in order to ask for a separate vote on the pending amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. TOWNSEND. Of course, that is in order. There will have to be a vote on it.

The VICE PRESIDENT. What the Senator from North Dakota is inquiring about, the Chair assumes, is can there be a vote, first, on the question of "local first and second zones up to 150 miles, 1 cent per pound"? The Senator wants a vote on that, then a vote on the third zone, the fifth zone, and the remaining zones?

Mr. GRONNA. No; I do not care to divide the amendment which has been offered by the Senator from Nebraska, but I ask for a separate vote on the whole amendment.

The VICE PRESIDENT. There is not any doubt that that is the amendment now to be voted on.

Mr. GRONNA. I shall ask for a separate vote on the amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

Mr. SMITH of Georgia. Mr. President, I do not desire by my silence to accept the view that an amendment having been offered which was subject to a point of order, and a vote having been taken upon that amendment, and the Senate subsequently having reconsidered that vote, that the point of order can not still be made; but I shall not enter an appeal from the decision of the Chair.

The VICE PRESIDENT. The Chair wishes the Senator from Georgia would do so.

Mr. SMITH of Georgia. But I shall not. I am sorry I can not accede to the wishes of the Chair. I do not, however, wish it to be understood that there is a unanimous approval of the ruling of the Chair. I desire, Mr. President, to address myself to the merits of the question, unless some other Senator desires to enter an appeal from the decision of the Chair. I shall not; but if any other Senator desires to do so I shall yield.

Mr. STONE. Mr. President, if the Senator from Georgia will permit me, I would like to say a word. A situation such as we are now confronted with might arise at almost any time. Where an amendment objected to in the Committee of the Whole and against which a point of order is raised and sustained by the Chair, and when afterwards the amendment goes to the Senate, possibly at a time when Senators are away or when those who made the point of order are absent, the provision is again put into the bill, as was done in this instance, and when afterwards a motion to reconsider the action of the Senate is properly made, as has been done in this instance, and sustained by a vote of the Senate, this situation will, of course, be repeated. The contention is to say that some form of implied unanimous consent brought the amendment before the Senate, and that on that account it is no longer subject to a point of order. That seems to me to be clearly an erroneous ruling. It would furnish an opportunity in one way or another, possibly through the fault of absent Senators, but still by a way of doubtful propriety, of injecting into a bill a provision subject to a point of order, and against which there might be a majority of the Senate. I think it would be a bad practice to establish, and I am going to appeal from the ruling of the Chair and let the Senate settle it.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. HITCHCOCK. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Sterling
Bankhead	Gronna	Norris	Stone
Beckham	Harding	O'Gorman	Sutherland
Borah	Hitchcock	Oliver	Swanson
Brady	Hughes	Overman	Thomas
Brandegee	Husting	Page	Thompson
Bryan	James	Poindexter	Tillman
Catron	Johnson, S. Dak.	Ransdell	Townsend
Chamberlain	Kenyon	Reed	Vardaman
Clark	Kirby	Robinson	Wadsworth
Culberson	La Follette	Shafroth	Walsh
Cummins	Lane	Sheppard	Warren
Curtis	Lea, Tenn.	Shields	Watson
du Pont	Lodge	Simmons	Weeks
Fall	McCumber	Smith, Ga.	Williams
Fernald	Martin, Va.	Smith, Md.	Works
Fletcher	Martine, N. J.	Smoot	

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present. The pending question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. STONE. Mr. President, I shall occupy only a moment or two. When the Chair made the ruling he stated that he expected that an appeal would be taken, and in substance expressed the desire that an appeal should be taken. I always dislike to so far disagree with the Chair as to feel obliged to take an appeal from a ruling, and never go that far unless I feel that the ruling is not only erroneous but that its effect might be seriously embarrassing in the future.

Mr. President, where an amendment to a bill is clearly subject to a point of order as being violative of the rules of the Senate, and the point of order is made against it and sustained while the bill is being considered as in Committee of the Whole, and where later, when the bill reaches the Senate proper, and the amendment, through some inadvertence or for some other reason is inserted in the bill by the action of the Senate without a renewal of the point of order being made against it and when later still a motion to reconsider the action taken in that behalf is made and carried by a vote of the Senate, I hold that the parliamentary status of the amendment becomes the same as that which it held before it was agreed to; in other words, that the legislative or parliamentary status which existed before its adoption is reestablished by the motion to reconsider. If any other rule is agreed to, if the judgment of the Chair as announced is approved, it will follow that whenever an amendment, no matter what it is or how objectionable it may be to Senators, finds its way into a measure through processes similar to that which led to the adoption of this amendment in the Senate, every Member of the Senate is thereafter estopped from raising the point of order, even though a motion to reconsider be adopted. You may reconsider, of course, on a proper motion made by one entitled to offer it; but under the ruling of the Chair, when the reconsideration occurs, the right to raise the point of order is gone, for the reason that the Chair holds that the amendment was, in the first instance, brought before the Senate by unanimous consent, and that because of that unanimous consent could not at any later stage be made the subject of a point of order.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. Certainly.

Mr. BORAH. I wanted to make this suggestion to the Senator: It seems reasonable that after the amendment came into the Senate and the Senate accepted it and dealt with it and passed upon it the point of order was forever gone.

Mr. STONE. That is what the Chair ruled.

Mr. BORAH. That is not only what the Chair says, but it seems to me it is founded in reason, and that therefore, as far as the point of order is concerned, the right to consider that has passed. That is a thing that has passed after we have actually taken it up and considered and passed upon it.

Mr. OLIVER. Mr. President——

Mr. STONE. I hold, Mr. President, that at any point of the proceedings in cases like this the point of order can be made, except perhaps where the amendment is brought before the Senate by an express unanimous consent of the Senate. Now, it is not even contended that in this case the question of unanimous consent was ever put to the Senate.

Mr. GRONNA. Mr. President——

Mr. STONE. If there be any such thing as unanimous consent in this case, it is an implied unanimous consent—implied because no one present made the point of order. But when the matter is brought again before the Senate by the motion to reconsider, it takes the exact position it held before the Senate acted upon it.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. STONE. I am through. The Senator can take the floor.

Mr. GRONNA. Mr. President, I simply wanted to say, in reply to the statement made by the Senator from Idaho, that the Senate has had no opportunity to make any expression as to the amendment which is pending, because it has never been offered until this morning.

Mr. STONE. I wish to say that I am not proposing to offer the point of order if I could. I want the consideration to go on; but I do not think the ruling ought to be sustained, not so much because of its effect in this particular instance but because of its possible future effect in more important matters.

Mr. SMITH of Georgia. Mr. President, the implied consent from the failure to raise the point of order before the vote took place attached itself simply to that vote. There was no formal action by the Senate giving a unanimous consent. It was simply an implied unanimous consent from the failure of anyone present to raise the point, and thus the Senate was enabled to vote upon the merits of the issue. It attached itself to that vote, and to nothing else. When that vote was reconsidered the implied consent was removed also, and the whole subject was again before the Senate.

I want to say that I hope the Senator from Nebraska will not make or press the point of order, and that we may pass on this question. I will not make it myself. I did not appeal from the decision of the Chair, although I did not agree with the Chair, because I do not want the point of order made. But since we must make a record on this subject, I hope the Senate will not establish the rule declaring a unanimous consent upon facts that I do not think constituted a unanimous consent.

Mr. BORAH. Mr. President, when this matter came into the Senate presumably every Senator was in his seat.

Mr. SMITH of Georgia. Oh, no!

Mr. BORAH. That is the presumption, because we were in session. It may be a violent presumption based upon actual practice, but it is not a violent presumption based upon theory that we were all in our seats. This matter was taken up. It was passed upon. It came within the jurisdiction, as it were, of the Senate. The Senate dealt with it, and from that time on

it was under the control and jurisdiction of the Senate; and a reconsideration of the matter would not go back to the point of making it vulnerable to a point of order, because it had passed beyond that stage when we disposed of the matter by action upon it.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question?

Mr. BORAH. Yes.

Mr. SUTHERLAND. As I understand—I was not in the Chamber when the ruling of the Chair was made—the ruling of the Chair was based upon the proposition that the action of the Senate amounted to a unanimous consent. Now, I ask the Senator from Idaho whether unanimous consent does not mean affirmative action? The very word "consent" means that an affirmative action has been taken.

Mr. BORAH. Well, now——

Mr. SUTHERLAND. Just a moment. There is a difference between an assent and a consent. The thing that we deal with in the Senate is the unanimous consent.

Mr. BORAH. Yes.

Mr. SUTHERLAND. And the very terminology implies that the Senate has affirmatively acted upon the matter; and that, of course, did not occur here at all.

Mr. BORAH. Mr. President, I do not profess to be at all familiar with parliamentary law. I am just using a little common sense in regard to this matter——

Mr. SUTHERLAND. That is what I am undertaking to do.

Mr. BORAH. And the two things are not always harmonious. Now, Mr. President, suppose that the Senator were questioning the jurisdiction of a court, and suppose when his case was called he should proceed to the hearing of the matter, either upon the merits or upon general demurrer. Could he ever be heard thereafter to say that he had not assented or consented to the jurisdiction of the court?

Mr. SUTHERLAND. Mr. President, perhaps not; but the Senator could be heard if the rule of law applicable to that situation were the same as the parliamentary rule applicable to this situation, which the Senators will find in Rule XX, namely:

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing—

And so on. Now, under the rule of the Senate the point of order may be made at any stage of the proceedings, and in a court a demurrer can not be interposed at any stage of the proceedings. It must be interposed at a particular stage of the proceedings. Here, however, the Senate has provided otherwise.

The situation seems to be that this amendment was proposed in the Senate. It had been offered in the Committee of the Whole, and had gone out upon a point of order. Therefore it was an original proposition in the Senate, not coming over from the Committee of the Whole, but, so far as this question was concerned, offered for the first time in the Senate. Now, obviously, having been thus offered, it was open to a point of order when it was first offered. No point of order was made. That does not amount to unanimous consent. It simply amounts to an assent on the part of those present that it should be dealt with.

Mr. BORAH. Let me ask the Senator a question.

Mr. SUTHERLAND. I have not quite finished my proposition. I shall be only a moment.

Mr. BORAH. I have no objection to the time taken.

Mr. SUTHERLAND. The point was not made, but the matter was voted upon and carried. Subsequently, a motion was made to reconsider, and that motion prevailed. Now, as I understand, the ordinary effect of carrying the motion to reconsider is that the matter assumes its original position; and originally, of course, it was open to a point of order.

Mr. BORAH. Let me ask the Senator a question. Suppose we had taken up this matter in the Senate as we did, and passed upon it, and reconstructed the amendment, and the vote had been taken, and it had been placed in the bill. Suppose, after that had been done, it had been finished, and we had gone on to other portions of the bill, and to-morrow or next day or the next day some Senator should say to himself: "Well, I want to raise a point of order upon that matter which we settled day before yesterday"—could he have done that?

Mr. SUTHERLAND. No; because it would then have passed to final judgment.

Mr. BORAH. Exactly.

Mr. SUTHERLAND. But here it has not passed to final judgment.

Mr. BORAH. It passed to final judgment so far as taking it up and considering it in the Senate was concerned. We assumed jurisdiction of it. That had been disposed of. We took charge of it. We passed upon it, and we completed it, and then there was a motion made to reconsider. To reconsider what? To reconsider the amendment; not to reconsider the question of whether or not we could take it up in the Senate.

Mr. SUTHERLAND. Mr. President, let us take the Senator's own illustration of the court that he gave a moment ago. Here is a case that has been in the court and has passed to judgment, and the judge has granted a new trial. Does not that put the case back in its original position?

Mr. BORAH. Yes; but it never puts it back where he can question the jurisdiction.

Mr. SUTHERLAND. Oh, I am not so certain about that.

Mr. BORAH. I am very certain of it.

Mr. SUTHERLAND. The Senator is familiar with the rule that the jurisdiction of the court is always open to question, even when the matter has passed to final judgment, even on appeal to the Supreme Court.

Mr. BORAH. That is the jurisdiction of the subject matter; but the jurisdiction of the person, the right to take hold of him, the consenting to jurisdiction, is not open after the party has consented. Now, this is a subject within the power of the Senate, once jurisdiction is admitted; and it is admitted when we do dispose of it on the merits.

Mr. SUTHERLAND. Is not this a question of jurisdiction of the subject matter?

Mr. BORAH. No, indeed; it is not. I do not think it comes under that rule at all. It is a legislative question.

Mr. SUTHERLAND. It seems to me that it comes under the rule. A reconsideration of this matter has been allowed; and if we are to use the judicial analogy, it is precisely the same as if a new trial had been granted and it is open to every objection that might have been made immediately prior to the beginning of the original trial. Every objection is open that was open originally.

Mr. KIRBY. Mr. President, as I understand, rules are made for the purpose of expediting the orderly conduct of business and not for obstructing it. Upon yesterday, when this matter was moved to reconsideration, it was said that it was in order that it might be determined upon its merits by the Senate. It was reconsidered. Let it be conceded now that that opened the whole matter before the Senate. They come in here again this morning, and the ruling is made that this is one amendment and that it is before the Senate, and without objection. Now, when the matter is considered for a time, it has been proceeded with necessarily by unanimous consent, since nobody is objecting to it; and, that being the case, it seems to me it is too late to raise this question of order.

I think the Chair is right in overruling the question of order, and that his ruling ought to be sustained.

Mr. REED. Mr. President, I believe a mere statement of this question ought to settle it.

In the Committee of the Whole a motion was made to suspend the rules in order that the committee amendment, which was in the nature of general legislation, could be taken up. That motion was denied by a majority vote of the Senate. Nothing then was done in the Committee of the Whole. When the bill went to the Senate the following is what took place. I read from the RECORD, and call Senators' attention to pages 3767 and 3768:

The VICE PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Save those amendments which have been reserved for a separate vote, the question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the first reserved amendment.

There follows an amendment which has nothing to do with this particular case. Then this appears:

Mr. SMOOT. Mr. President, in a letter dated January 30, 1917, to Hon. J. H. BANKHEAD, chairman of the Committee on Post Offices and Post Roads, the Postmaster General, in speaking of this matter, makes the following statement—

Then follows a letter in regard to the drop-letter business.

Then Mr. SMOOT made a short speech on the subject that is now before us. He said in conclusion:

Mr. President, I am perfectly aware that a point of order will lie against this amendment, but I hope the Senator from Florida will not interpose it but allow the Senate, if there is doubt as to what the Senate really desires in this matter, to express itself by a vote.

Mr. BRYAN. If the Senator will accept an amendment to the amendment, I will agree to it.

Mr. NORRIS. I should like to ask the Senator from Utah a question.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). To whom does the Senator from Utah yield?

Mr. SMOOT. I think the Senator from Nebraska rose first, and if the Senator from Florida will just permit him to ask me a question I will then gladly yield.

Mr. NORRIS. I should like to ask the Senator if, in his judgment, drop letters would include delivery to and from rural routes starting from the office where the letter was mailed?

Mr. SMOOT. The amendment provides that, I will say to the Senator.
Mr. NORRIS. I did not so understand.
Mr. SMOOT. It provides—
"That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices."
That I understand was the point the Senator referred to.
Mr. NORRIS. Yes; the language does not seem to me to be plain. Suppose the letter were mailed at the office to be delivered out on the rural route; the Senator intends to include that letter?
Mr. SMOOT. I am sure the amendment would include it.
Mr. NORRIS. Suppose the letter were mailed out on a route to be delivered in town at the end of the route; would it include that?
Mr. SMOOT. You mean in a drop box?
Mr. NORRIS. Yes.
Mr. SMOOT. It would include that, I think.
Mr. NORRIS. I will say to the Senator that I offered the same amendment last year, but I specifically provided in the amendment when I offered it that it should include those. It seems to me they ought to be included.
Mr. BRYAN. This amendment was prepared by the department.
Mr. NORRIS. Does the Senator from Florida say it would include that?
Mr. BRYAN. It would.
Mr. SMOOT. It would include it. I was going to say to the Senator that this is the identical language prepared by the Post Office Department to accomplish the purpose the Senator has in view.
Mr. NORRIS. All right.
Mr. BRYAN. Of course, as the Senator from Utah says, the amendment is subject to a point of order. If the Senator will accept an amendment to his amendment, I shall not interpose the point of order.
Mr. SMOOT. What amendment does the Senator propose?
Mr. NORRIS. We can not hear the colloquy over here. I hope the Senators will speak louder.
Mr. VARDAMAN. I wish the Senators would speak louder.
Mr. BRYAN. I propose to insert at the end of the Senator's amendment—

Then follows Mr. BRYAN's amendment, which was as follows:

Provided, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof: *And provided further*, That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers, when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. SMOOT. Of course, if I accept that amendment, I know there will be a point of order raised against it; but I will say this to the Senator: I am perfectly willing the amendment should be accepted, provided we can have it divided and have a vote in the Senate upon both questions.
Mr. BRYAN. Does the Senator accept it?
Mr. SMOOT. No, Mr. President; I am quite sure if I accepted it a point of order would be made.
Mr. BRYAN. The Senator may be just as sure if he does not accept it a point of order will be raised against his amendment.
Mr. SMOOT. Then I will accept it, in order that the whole amendment may go to conference; and now, Mr. President, I ask for a division of the amendment.
Mr. BRYAN. No; let us have a vote on it as one amendment.
Mr. SMOOT. Then I must accept the amendment, because if I do not it will go out on a point of order and prevent a consideration of the subject in conference.
Mr. BRYAN. Let the question be put.
The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears no objection.

Now, Mr. President, was that a unanimous consent of the Senate? I say it was not. It was a unanimous consent between Senator BRYAN and Senator SMOOT. It is a mere colloquy between two very able and distinguished Senators. Senator BRYAN agreed with Senator SMOOT that if his amendment went on he, Senator BRYAN, would not raise the point of order; Senator SMOOT agreed with Senator BRYAN that he would accept Senator BRYAN's amendment in order to keep Senator BRYAN from making a point of order. Accordingly these two distinguished gentlemen made a bargain each with the other that he would not raise the point of order, and thereupon, nobody else raising a point of order, a vote was had.

Now, that brings us to this situation: A vote was had upon this measure, nobody raising a point of order. We have reconsidered that vote.

Mr. SMITH of Georgia. What did we vote on? It was agreed to without any objection.

Mr. REED. That is, in fact, a vote.

Mr. SMITH of Georgia. Mr. President——

Mr. REED. Wait until I get through. We reconsidered that action of the Senate on the vote. Where does that bring us? It brings us back to where Senator BRYAN and Senator SMOOT were having their colloquy. At any time before the vote was taken in the Senate clearly anybody could have raised the point of order. We are now back at exactly that point. We have reconsidered the vote. In contemplation of law Senator BRYAN and Senator SMOOT are still bargaining each with the other that they will not raise the point of order. The vote has not been taken in contemplation of law. Accordingly at this moment anybody can raise the point of order. There is no question about that.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. Certainly.

Mr. BRYAN. There are a number of amendments that have been adopted by the Senate in Committee of the Whole to this bill. They have been agreed to in the Senate. They were adopted in the same identical way that this amendment was adopted. Does the Senator from Missouri think that a point of order can be raised upon any of those amendments?

Mr. REED. No; because they are in the bill.

Mr. BRYAN. Then, what point does the Senator make about the extract he has read from the RECORD? That amendment was adopted just like the others. It is the uniform custom when committee amendments are being considered for the Chair to say that they are agreed to without objection.

Mr. REED. I made no point on that.

Mr. BRYAN. Then it was as thoroughly adopted as if the yeas and nays had been taken.

Mr. REED. The adoption has been set aside and for naught held. It no longer is an adoption. I make no point about the way it was adopted. The Chair put the matter in the ordinary way and very properly ruled in the absence of any objection to the contrary that it amounted to a unanimous vote. But that unanimous vote is set aside, and now the matter is here for action in exactly the same form it was before the vote was taken. No man will deny the proposition that before the vote was actually taken anyone could have raised the point of order.

So far as I am concerned I hope the point of order will not be made. I hope we shall consider the entire question. I should like to vote for 1-cent postage. I should like to vote to raise the postage upon periodicals and magazines. I should like to vote to allow the newspaper postage to stand as it is at present. But it certainly can not be maintained that the vote having been reconsidered, we are not back at the identical point where we were immediately before the vote was taken, and immediately before that vote was taken any Senator was privileged to rise in his place and object to the consideration of the amendment on the ground that it embraced general legislation.

Mr. BRYAN. Mr. President, I submit that it is too late to raise a point of order, and I had that idea from the ruling of the Chair. I am frank to say that if a vote had come immediately without any debate I should have voted to overrule the decision of the Chair. I now agree with the ruling of the Chair. I do not agree with all the reasons the Chair stated. I think it is competent under the rule to offer an amendment that has been ruled out of order in Committee of the Whole. I do not believe this amendment gets its right to be considered because it was adopted by unanimous consent. It was adopted by the Senate. It has been reconsidered. There must come a time when it is too late to raise the point of order. Does not that time come when the amendment has been adopted? This amendment was adopted. I care not for the reading of the RECORD by the Senator from Missouri.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. BRYAN. I yield.

Mr. SHIELDS. I should like the Senator to state what particular act the unanimous consent was evidenced by. At what point in this proceeding did that consent take effect and what was the evidence or indication of it?

Mr. BRYAN. Of course the amendment was adopted without objection.

Mr. SHIELDS. It was the vote adopting the amendment? Is that it?

Mr. BRYAN. That, of course, is the theory upon which the Chair ruled.

Mr. SHIELDS. If that vote is set aside, does not that affect everything that went with it—the adoption of the amendment as well as the unanimous consent which was implied in order to authorize the Senate to vote on it?

Mr. BRYAN. That is not the question raised here.

Mr. SHIELDS. That is the very question the Senate, I think, would like to hear you on. What is the difference between this and a case that has been tried in court? Objection is not made to evidence, objection is not made to instruction when it is given, but if a new trial is granted is the court forever bound by the errors it committed at first or is the defendant bound by the case because he did not make an objection on the former trial? Does not the granting of a new trial open the whole thing up for proceedings just as it stood in limine?

Mr. BRYAN. I think the illustration of the Senator from Tennessee is a most unfortunate one. He draws an illustration from the practice of the law. I undertake to say that a man does

not demur until after he goes ahead and tries the case, and that if a new trial——

Mr. SHIELDS. The Senator is injecting a new phase. The Senator from Tennessee never made a demurrer in his suggestion that if errors were committed at the trial, because objection was not made on the first trial the party would not be precluded from making them upon the second trial.

The VICE PRESIDENT. This ruling is on the doctrine of stare decisus.

Mr. BRYAN. I was proceeding to say that the Senator from Missouri can not make any point out of what he read from the RECORD. The amendment was adopted just exactly as every other amendment on the bill was adopted. As Senators know it is the uniform custom here when committee amendments are read they are agreed to without objection. To say that that was done by unanimous consent, and therefore any Senator at any time before the bill leaves the Senate can raise a point of order and put that amendment out of the bill, is to say that we would never finish anything.

Mr. VARDAMAN. Will the Senator permit me just there? That was all set aside by a motion to reconsider.

Mr. BRYAN. Let us see if it was. What did we reconsider? We reconsidered the vote by which we adopted the amendment; that is all.

Mr. REED. Where did that leave us, then?

Mr. BRYAN. That left us with an amendment adopted by the Senate that the Senate wanted to reconsider.

Mr. REED. Oh, no; it left us with an amendment upon which the Senate had acted; it set aside its action, thus leaving the amendment pending, did it not; just where it was before the vote was taken?

Mr. BRYAN. But it must be remembered always that the Senate having adopted the amendment, no point of order can be raised against it again.

Mr. REED. Certainly not; after it was adopted.

Mr. BRYAN. Now, what was the vote taken on? The vote was to reconsider the vote by which it was adopted.

Mr. REED. When the Senate reconsidered the vote, was not the amendment before the Senate?

Mr. BRYAN. Of course, it was before the Senate.

Mr. REED. It was subject to debate, was it not?

Mr. BRYAN. Of course, it was.

Mr. REED. It was subject to any other thing that could have been done to it before it was adopted, because we set the vote aside.

Mr. BRYAN. Except that a point of order——

Mr. REED. It was open to further amendment, was it not?

Mr. BRYAN. It is open to further amendment.

Mr. REED. And open, of course, to anything that could have been done to it before we voted.

Mr. BRYAN. That is the very question here. I confess, Mr. President, that my interest in this amendment and my desire to have it considered may cloud my judgment somewhat about it, but I have examined the rule of the Senate, and if there is any provision in the rules that a point of order can be raised at any stage I fail to find it, either in the rules or in the precedents. First, there is no rule. Then there is no rule or decision of the Senate that concedes the right to raise the point of order at any stage of the proceedings. So now it is proposed to lay down a rule of procedure that has not been considered heretofore, and that has not been decided. What ought we to do about that? It seems to me it would save time, it seems to me it would be in the interest of the dispatch of business, to say to gentlemen who want to raise the point of order the time to do it is when the amendment is reached, and if you do not do it then you are foreclosed from any right to raise it thereafter.

Mr. SUTHERLAND. Will the Senator yield?

Mr. BRYAN. I yield to the Senator.

Mr. SUTHERLAND. What construction does the Senator from Florida give to Rule XX, which provides that—

> A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

Mr. BRYAN. Of course that rule must have a reasonable construction. It can not mean after an amendment has been agreed to and adopted. The Senator from Utah will concede that. It must be before the Senate acts upon the proposition before it.

Mr. SUTHERLAND. Is not the rule——

Mr. BRYAN. According to a liberal interpretation of that language you could raise a point of order even after an amendment had been adopted.

Mr. SUTHERLAND. When the amendment has been adopted the proceedings are ended. This says:

> A question of order may be raised at any stage of the proceedings.

When the amendment has been adopted the bill has been passed, the proceedings have been ended, but now the Senate has voted to reconsider; in other words, to grant a retrial of this matter, and the proceedings upon that amendment are pending.

Mr. BRYAN. What does that mean? That the Senate will take a new vote on the proposition desired to be reconsidered, and it can amend it?

Mr. SHIELDS. It is open to further amendment.

Mr. BRYAN. The Senate can amend it.

Mr. SHIELDS. If it is open to one thing it is open to all.

Mr. BRYAN. When you reach an amendment any Senator who proposes to raise a point of order must do it then. Of course, if we apply the strict technical rule of the Senate to this appeal it could not lie. The Chair invited an appeal and nobody appealed. The Senator from Georgia rose and was expressing his dissent from the ruling of the Chair and was going on to debate it. Then the Senator from Missouri finally appealed from the decision. I think under a very strict construction a point of order could be sustained that the appeal came too late. I am not going to raise that. I have become convinced that the ruling of the Chair is right, and I am going to vote to sustain it.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. VARDAMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK], but I feel at liberty to vote on this proposition, and I vote "nay."

Mr. HARDING (when his name was called). On account of the absence of the junior Senator from Alabama [Mr. UNDERWOOD], and because of my pair with him, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I notice that my pair, the Senator from Vermont [Mr. DILLINGHAM], is absent. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS], I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I inquire if the senior Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. He has not voted.

Mr. GALLINGER. I am paired with that Senator. In his absence, and not knowing how he would vote if present, I withhold my vote.

Mr. CURTIS. I am requested to announce the absence of the Senator from Vermont [Mr. DILLINGHAM] on account of illness. I will let this announcement stand for the day.

Mr. GRONNA (after having voted in the negative). I transfer my general pair with the Senator from Maine [Mr. JOHNSON] to the Senator from California [Mr. WORKS] and will let my vote stand.

Mr. BANKHEAD. I desire to announce the absence of my colleague [Mr. UNDERWOOD] on account of sickness.

I also announce the absence of the junior Senator from Georgia [Mr. HARDWICK] on account of illness.

I will let these announcements stand for the day.

Mr. ROBINSON. I desire to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on important business. He is paired with the Senator from Rhode Island [Mr. COLT].

The roll call resulted—yeas 25, nays 45, as follows:

YEAS—25.

Bankhead	Hollis	McCumber	Wadsworth
Borah	Jones	Myers	Walsh
Brady	Kenyon	Nelson	Warren
Bryan	Kern	Norris	Watson
Chamberlain	Kirby	Robinson	
Clapp	La Follette	Thomas	
Fall	Lane	Townsend	

NAYS—45.

Ashurst	Fletcher	Page	Smoot
Beckham	Gronna	Poindexter	Sterling
Brandegee	Hitchcock	Pomerene	Stone
Broussard	Hughes	Ransdell	Sutherland
Chilton	James	Reed	Swanson
Clark	Lee, Md.	Shafroth	Thompson
Colt	Lippitt	Sheppard	Vardaman
Culberson	Lodge	Shields	Weeks
Cummins	Martin, Va.	Simmons	Williams
Curtis	Martine, N. J.	Smith, Ga.	
du Pont	Oliver	Smith, Mich.	
Fernald	Overman	Smith, S. C.	

NOT VOTING—26.

Catron	Husting	O'Gorman	Smith, Ariz.
Dillingham	Johnson, Me.	Owen	Smith, Md.
Gallinger	Johnson, S. Dak.	Penrose	Tillman
Goff	Lea, Tenn.	Phelan	Underwood
Gore	Lewis	Pittman	Works
Harding	McLean	Saulsbury	
Hardwick	Newlands	Sherman	

The VICE PRESIDENT. On the question, Shall the ruling of the Chair stand as the ruling of the Senate? the yeas are 25 and the nays are 45. So the Senate overrules the decision of the Chair, and the points of order to these amendments are sustained.

Mr. BANKHEAD. Mr. President, I desire to offer a substitute for the amendment which has been proposed by the Senator from Nebraska [Mr. NORRIS]. I desire to have the Secretary read the amendment in order that the Senate may know what I propose to offer.

Mr. HUGHES. I rise to a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. HUGHES. Is there any amendment now pending?

The VICE PRESIDENT. No amendment is now pending of which the Chair is aware.

Mr. HUGHES. That is what I understood. I merely wanted to get the parliamentary situation straight.

Mr. BANKHEAD. Does the action of the Senate overruling the decision of the Chair eliminate the amendment proposed by the Senator from Nebraska?

The VICE PRESIDENT. It does.

Mr. BANKHEAD. Then I offer the amendment which I send to the desk as a substitute amendment. I desire that the Secretary shall read it. I hope the Senate will give attention to the reading of the amendment, because I believe that perhaps it will afford a solution of this question, if the Senate will adopt it.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. After the figures "$32,000,000," on page 4, line 15, it is proposed to insert:

Provided, That the rates of postage on newspapers published weekly and more frequently shall be 1 cent per pound or fraction thereof when mailed for delivery within the first, second, and third parcel-post zones, and 1½ cents per pound or fraction thereof when mailed for delivery within the fourth parcel-post zone, and 2 cents per pound or fraction thereof when mailed for delivery within the fifth, sixth, seventh, and eighth parcel-post zones.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Alabama if that amendment would not repeal the law which exempts the county papers from the payment of postage within the county?

Mr. BANKHEAD. It does not.

Mr. VARDAMAN. I think it does.

Mr. BANKHEAD. The provision to which the Senator from Mississippi refers is in another part of the bill, and I do not propose to amend that part of the bill.

Mr. VARDAMAN. Does the amendment not state that papers shall pay when mailed at the post office for delivery within those zones?

Mr. BANKHEAD. The free-in-county privilege is not affected by this amendment.

Mr. BRYAN. Let me suggest to the Senator from Alabama that his amendment is to take the place in part of the committee amendment.

Mr. BANKHEAD. That is it.

Mr. BRYAN. But as the amendment was read from the desk, it comes immediately after the numerals on page 4, line 15, but it ought to come in on page 5, line 4, after the word "thereof."

Mr. SMOOT. But that matter is all out.

Mr. BRYAN. Then, the Senator from Alabama can offer his amendment as an independent and separate amendment, just as he has done, including what the committee has offered down to line 4, on page 5, and then add his amendment. That is what I think the Senator intends to do.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BANKHEAD. I intended to add my amendment at the end of the committee amendment.

Mr. LODGE. Mr. President, I desire to make a parliamentary inquiry. Is the amendment proposed by the Senator from Alabama a new amendment?

The VICE PRESIDENT. It is a new amendment.

Mr. LODGE. Mr. President, we have spent a great many hours in discussing this question, and I think that the first duty of the Senate is to dispose of the appropriation bills and not go on with these discussions. I make the point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. BANKHEAD. Mr. President, I hope the Senator will withhold the point of order until we can get an exact understanding as to where the amendment comes in and what its effect will be.

Mr. LODGE. Mr. President, my purpose is to expedite the passage of this bill. We might go on discussing rates on second-class matter from now until next December; it is one of the greatest and most difficult questions before us; and, if we want to get through with our work before the 4th of March, we must have some end to this debate, and I employ the point of order, and make it now.

The VICE PRESIDENT. The Chair has sustained the point of order.

Mr. BRYAN. I do not think the Senator from Massachusetts can prevent the Senator from Alabama, the chairman of the committee, from offering the amendment.

Mr. LODGE. I make the point of order against the amendment.

Mr. BANKHEAD. The Senator has not allowed me to present the amendment as I desire to present it.

Mr. LODGE. The amendment has been read from the desk.

Mr. SMITH of Michigan. Regular order!

Mr. BANKHEAD. The amendment was not inserted at the proper place. I desire to say that this amendment only affects newspapers. It has appeared from the discussion in the Senate that the desire of the Senate is not to increase the rate on newspapers beyond the present rate of 1 cent a pound, except where such papers are sent beyond 300 miles.

The VICE PRESIDENT. The Secretary will state the next reserved amendment.

Mr. SMITH of Georgia. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. Let us dispose of the amendments coming over from the Committee of the Whole.

Mr. SMITH of Georgia. The amendment I desire to offer has reference to page 4 and the subject matter that has been under consideration. The amendment is to come in on page 4, at the end of line 15.

The VICE PRESIDENT. We have not disposed of all the amendments that came from the Committee of the Whole. There is an amendment that came from the Committee of the Whole, reserved by the Senator from Iowa [Mr. KENYON].

Mr. BANKHEAD. I desire to ask the Senator from Massachusetts if he will not permit the reading of the amendment I have offered so that it may go into the RECORD?

Mr. TOWNSEND. He can not help it, if the Senator desires to read it himself.

Mr. BANKHEAD. I will do that if the Secretary is not permitted to do so. I want this amendment to go into the RECORD, and I want the RECORD to show what the purpose of the amendment is.

The VICE PRESIDENT. Which amendment is that?

Mr. BANKHEAD. The one I sent to the Secretary's desk, and against which the point of order was made before it was read.

Mr. JAMES. Mr. President, I think the amendment was read at the desk.

Mr. MARTIN of Virginia. The amendment was read.

Mr. BANKHEAD. Then I will read it again. It has got to go in the RECORD.

Mr. JAMES. It has already been read, and is in the RECORD.

Mr. BANKHEAD. Is it in the RECORD?

The VICE PRESIDENT. The amendment has been read and is in the RECORD.

Mr. BANKHEAD. Then I am satisfied.

Mr. BRYAN. I think the Chair is mistaken. The Secretary read the amendment of the Senator from Alabama as if it came in on page 4, after line 15. It does not come there, as I was trying to suggest to the Senator from Alabama when the amendment was being read. What the Senator from Alabama is trying to do is to offer the committee amendment as it appears in the bill down to the word "thereof," in line 4, on page 5, and then insert the new matter proposed by him. In order that the amendment may be intelligible it would have to be printed in connection with what precedes.

The VICE PRESIDENT. If there is no objection, the Secretary will state the amendment.

Mr. BRYAN. If the Secretary will read the committee amendment as it appears in the bill down to the word "thereof," on line 4, page 5, and then read the memorandum sent to the desk

by the Senator from Alabama, it will express the amendment as the Senator from Alabama desires to offer it.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 4, line 15, after the numerals "$32,000,000," it is proposed to insert the following:

Provided, That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof including delivery at letter-carrier and rural free-delivery offices: *Provided*, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof: *Provided further*, That the rates of postage on newspapers published weekly and more frequently shall be 1 cent per pound or fraction thereof when mailed for delivery within the first, second, and third parcel-post zones, and 1½ cents per pound or fraction thereof when mailed for delivery within the fourth parcel-post zone, and 2 cents per pound or fraction thereof when mailed for delivery within the fifth, sixth, seventh, and eighth parcel-post zones.

The VICE PRESIDENT. The Chair understands that the Senator from Massachusetts has made the point of order that the amendment is general legislation on an appropriation bill.

Mr. LODGE. I make the point of order.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. SMITH of Georgia. Mr. President, I wish to offer an amendment to come in at the end of line 15, on page 4. I wish to have it go into the RECORD.

The VICE PRESIDENT. The amendment will be stated.

Mr. SMITH of Georgia. The entire committee amendment now has gone out, and the language I offer is to be inserted in line 15, page 4, after the figures "$32,000,000."

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 4, line 15, after the figures "$32,000,000," it is proposed to insert a colon and the following words:

Provided, That the rate of postage on second-class matter from and after six months from the passage of this act when sent by the publisher thereof and from the office of the publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agencies, shall be 1 cent per pound for the first 200 miles and one-half cent additional per pound for each additional 200 miles. The increased charge beyond 1 cent per pound shall not apply to religious and agricultural magazines and papers or to the publications of the secret or labor organizations except where the same carry more than 20 per cent of their space in advertisements: *And provided further*, That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. SMOOT. Mr. President, if I gathered correctly from the reading of the amendment, it provides that a one-half a cent a pound rate shall be charged.

Mr. SMITH of Georgia. For every 200 miles.

Mr. SMOOT. For every 200 miles beyond the 200-mile limit?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. Mr. President, I make the point of order for the same reason.

The VICE PRESIDENT. The point of order is sustained.

Mr. KENYON. Mr. President, has the reservation of the amendment known as the Jones amendment been reached yet?

The VICE PRESIDENT. It has. We change now from postage to intoxicating liquor.

Mr. KENYON. Mr. President, I think the amendment introduced by the Senator from Missouri [Mr. REED] was not very carefully considered, and I reserved this matter last night in order that a better consideration might be given to it. The fact was called to my attention by the Senator from Kentucky [Mr. JAMES] that this amendment, to a certain extent, nullified the decision of the Supreme Court in the late case construing the law regulating the transportation of liquors in commerce. Upon reflection, I believe that it does. I called the attention of the Senator from Missouri to that matter last evening, and he agreed to an amendment which I thought at that time I would offer; but upon reflection I have decided, instead of that, because that would cover but one of the objections, to move to strike from the bill in toto the amendment of the Senator from Missouri, in order that there may be another vote upon the proposition.

Mr. President, the act with relation to the shipment of intoxicating liquors prohibited their transportation from one State into another where the liquor was to be received or possessed or used in violation of the State law. The Supreme Court has upheld that proposition. In other words, as the matter now stands the question of liquor, its sale, and its use and its possession is entirely for the States to determine. It seems to me it ought to remain there for the present. That is a good solution of it at this time, until public sentiment may advance further. If a State wants to be bone-dry, that is for the State to determine. If a State wants liquor within its borders for any particular purpose; if a State may not have reached the point, according to public sentiment, where it desires a bone-dry law and permits the shipment in of liquor for certain purposes, and at the same time strikes down the saloon—which, in my judgment, is the main object of all this temperance fight in this country—it can now do that.

Under the Reed amendment a State can not be bone-dry that desires to be bone-dry—that is the first proposition—because the exception was ingrafted by the amendment of the Senator from Mississippi, "except for sacramental, scientific, medicinal, or mechanical purposes." So, in the first place, if a State desires to be bone-dry under this amendment shipments can be made into the State for those four purposes. Congress has taken hold of that subject, and to that extent has nullified the decision of the Supreme Court.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. I want to ask the Senator a question for information. Is there a State in the Union that has enacted laws prohibiting the use of alcohol for scientific purposes?

Mr. KENYON. I do not know. I think not.

Mr. VARDAMAN. I do not think that is what "bone-dry" means. I hardly think there is a State in the Union that would be affected by this amendment if it wanted to pass a bone-dry law.

Mr. KENYON. I am not arguing in favor of any such thing at all. I do not know whether any State has done that or not.

Mr. REED. Mr. President, may I ask the Senator if there is a State that has prohibited the use of wine for sacramental purposes?

Mr. KENYON. I think not; but I do not know.

Mr. REED. Is there a State that has prohibited the use of alcohol for mechanical purposes?

Mr. KENYON. I do not know.

Mr. REED. If there are no such States, then the amendment which I offered would not bar the use of liquors for those purposes in the State or the shipment of liquor into the State for those purposes.

Mr. KENYON. Not at this time, of course; but if the State did prohibit the use for those purposes, then the amendment of the Senator would permit the shipment into the State for purposes which the State prohibited. That is the principle involved.

Mr. REED. If some State hereafter did it.

Mr. KENYON. Yes.

Mr. REED. I doubt that construction; but we are going a long way when we propose to arrest the forward movement of the car of moral progress and reform, and do it on the ground that somebody, at some time, in some place, may prohibit the use of wine for sacramental purposes.

Mr. KENYON. Of course, I realize how earnest the Senator is in hurrying the car of moral reform forward.

Mr. VARDAMAN. Mr. President, I ask the permission of the Senator from Iowa to make just this statement: I am compelled to leave the Chamber for a few moments; and I want to express my very great desire that the amendment stand as it is. I think it is a good law.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. The Senator from Iowa seems to assume that an act of Congress could control the legislation of a State. I hardly think that is so. If a State sees fit at any time to enact legislation making that State bone-dry, this legislation on the part of Congress could not affect the State's right to enforce legislation of that sort. It will be time enough, then, for Congress to reenact legislation on that subject and prohibit shipment into the State in order to conform to that legislation.

Mr. KENYON. The Senator may be right, and I know that statutes will be construed in pari materia. But because there is some doubt about the matter, I have raised the question that it ought not to be injected into this bill. There is some doubt about the particular question whether or not Congress, by taking hold of this subject to that extent, does not take it away from the States, although I believe the Bankhead bill and the Webb bill can be harmonized.

That is the first point; I am going to discuss this only for a moment.

The second point is this: There are certain States, such as North Carolina and Virginia and possibly others, that permit certain shipments of liquor into the State for personal use. Now, this stops that. I assume that is frankly the purpose of the amendment. I voted for this amendment yesterday believing that it was a proper principle; upon further reflection I fear its adoption at this time will retard the forward movement of the prohibition cause. I believe we ought for the present to let the States determine that matter.

These two propositions that I have advanced are my reasons for moving to strike from the bill, which I now do, the amendment of the Senator from Missouri. I do not know just where it comes, mechanically, in the bill.

The SECRETARY. The amendment comes after the word "addressed" on line 16 of the printed amendment, and reads as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be punished as aforesaid.

Mr. SMITH of Georgia. Mr. President, I only wish to say a word against this motion to reconsider. Has the motion been formally made?

The PRESIDING OFFICER. The motion was to strike the amendment from the bill.

Mr. KENYON. Mr. President, I should like to ask the parliamentary situation. I understand that the reservation of the Jones amendment opened all questions concerning that amendment.

The PRESIDING OFFICER. The present occupant of the Chair was not here when this matter was disposed of.

Mr. SMITH of Georgia. Was the reservation made?

Mr. KENYON. It was made.

Mr. SMITH of Georgia. By whom?

Mr. KENYON. By the Senator from Iowa.

Mr. BECKHAM. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia was recognized.

Mr. BECKHAM. Will the Senator yield to me for a minute?

Mr. SMITH of Georgia. Certainly.

Mr. BECKHAM. As I understand, there was a reservation made of all questions upon this amendment. That being true, I wish to make the point of order upon the amendment of the Senator from Missouri [Mr. REED]. The Senate suspended the rules for the purpose of considering alone the amendment of the Senator from Washington [Mr. JONES], which dealt with restrictions upon the use of the mails for liquor advertisements. Therefore the suspension of the rules permitted only the consideration of that amendment and any amendment to it that was germane to that subject. Now, the Senator from Missouri offers an amendment that is not germane or pertinent, either to the amendment of the Senator from Washington or to the bill itself. The Senate suspended the rules solely for the consideration of the mail question. The Senator from Missouri offers an amendment on a subject entirely different, that deals with interstate commerce, and I think it is subject to a point of order.

Mr. SMITH of Georgia. Mr. President, I desire to reply to the Senator from Kentucky. The only amendment that has been reserved in the Senate is the Jones amendment, as I understand.

Mr. KENYON. The Senator is wrong. It is the Jones amendment and all amendments thereto—the Bankhead amendment. The RECORD will show just what was reserved—everything connected with it.

Mr. REED. I do not understand what the Senator from Iowa means by the Bankhead amendment.

Mr. KENYON. Perhaps I should say, the amendment adopted by the committee which was introduced by the Senator from Washington [Mr. JONES] and called the Jones amendment.

Mr. BORAH. And all amendments thereto.

Mr. REED. I should like to ask, as a parliamentary inquiry, what the RECORD shows with reference to the reservation?

The PRESIDING OFFICER. The present occupant of the chair was not present at the time the Senate acted upon that matter, but is informed that the reservation was of the Jones amendment as amended in Committee of the Whole.

Mr. SMITH of Georgia. The Jones amendment as amended.

Mr. REED. Now, that brings it in this shape: The Jones amendment was before the Committee of the Whole. It was amended as in Committee of the Whole, and comes to the Senate as amended, and the only way now in which the amendment I offered can be reached is by a motion to strike it out. That motion is now made; and against a motion to strike out a part of an amendment the Senator from Kentucky [Mr. BECKHAM] undertakes to raise the point of order that the thing which is already in, and which there is a motion to strike out, is general legislation.

Mr. SMITH of Georgia. Mr. President, I think the effect of the action of the Senate was to engraft the Reed amendment on the Jones amendment, and the waiver of the rules applies to both, and it is properly before the Senate. I am very warmly in favor of the Reed amendment. I wish intoxicating liquors kept out of the State in which I live, except for the purposes permitted by the Reed amendment.

Mr. BORAH. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Idaho.

Mr. BORAH. The Senator speaks about the waiver of the rules. What does he have reference to?

Mr. SMITH of Georgia. We by vote suspended the rules for the Jones amendment; and the suspension of the rules for the Jones amendment would carry also a suspension, I should suppose, of any legitimate amendment to the Jones amendment. That is my impression. I do not mean to express a final opinion, but it would seem that any perfecting of the Jones amendment or any legitimate amendment to the Jones amendment would be carried also by the suspension of the rules. I do not, however, desire to discuss that. I only wish to say a word about the merits of this amendment.

I understand that our object in making a State dry is really to make it dry; and I do not believe that these bills which permit a certain quantity of liquor to come into the State were passed because their advocates wanted any to come in. The false impression prevailed that under the Webb-Kenyon bill the legislature could not entirely exclude from a State shipments of liquor, and this minimum amount was permitted to come in under the belief that it was essential to the constitutionality of their action. I did not think so. I have thought that they at the time had the right to exclude all shipments. So far as I am concerned I am in favor of prohibition in my State to keep them from drinking, and I am opposed to shipping in quart packages. I am opposed to refusing to allow it to be manufactured in the State and then letting somebody ship it in from another State.

Mr. BECKHAM. Will the Senator yield?

Mr. SMITH of Georgia. Certainly.

Mr. BECKHAM. Has not the State of Georgia or any other State where prohibition exists the right now, and especially since the decision of the Supreme Court on the Webb-Kenyon law, to exclude entirely the shipment of liquor into that State?

Mr. SMITH of Georgia. Yes.

Mr. BECKHAM. Then let me ask the Senator what is the use of this amendment?

Mr. SMITH of Georgia. I am just going to state it.

Mr. BECKHAM. Why not leave it to the State?

Mr. SMITH of Georgia. I have not any doubt when the legislature meets next summer they will amend the present act and exclude it altogether. The subject has been agitated of even calling an extra session to exclude it between now and the 1st of July. The advantage of this provision is that it not only puts the State behind the exclusion but it puts the United States Government also behind the exclusion. It makes it a violation of the criminal statutes of the United States also to ship it in, and as I am desirous to see it excluded I am glad to have both agencies at work keeping it out.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I will yield the floor to the Senator unless the Senator wishes to ask me a question.

Mr. WORKS. I want to suggest to the Senator from Georgia that the chief virtue of the Reed amendment is that it reaches the man who orders the liquor as well as the railroad companies that ship it in, and I should like to see them both reached by legislation.

Mr. SMITH of Georgia. I think it is a splendid piece of legislation in the interest of temperance and I hope it will remain in the bill.

Mr. BECKHAM. Mr. President, I earnestly hope that the Chair will sustain the point of order that I made, and if not, that the motion of the Senator from Iowa [Mr. KENYON] to strike out this provision will prevail.

I voted for this proposition yesterday, as many others did, under a misapprehension, but I am convinced that it is a very serious blow to the cause of prohibition in many States—in the States where it exists to-day and in the States that are to vote upon that subject.

It may be, as the Senator from Georgia says, that his State wants to exclude absolutely the shipment of liquor into that State, and under the law as it stands to-day it can do so;

there is no restriction upon it; but it might be that in Virginia or in Indiana or in some other State they would want these limitations. It might be that in some State prohibition would not be practicable and could not be adopted unless some such limitation is permitted.

I believe that the power the States now have since the decision of the Supreme Court on the Webb-Kenyon law is sufficient and ample to deal with this question. If any State desires to absolutely prohibit the shipment of liquor into that State, it can do so now, and there is no reason for Congress to pass any such measure as is proposed by the amendment of the Senator from Missouri. It is not pertinent to the subject under discussion, and it is an entirely different and foreign subject. The Senate suspended the rule solely and specifically for the purpose of considering the restriction of the mails as to liquor advertisements. Here comes an amendment that deals with an entirely different question. I understand the Senator from Iowa made the reservation necessary to allow this point to be made in the Senate. I therefore insist upon that point of order.

Mr. REED. Mr. President, a simple statement of the facts in the RECORD will completely answer the point of order. I should like to make it to the Chair so that he may have it before him.

The Jones amendment dealing with the question of prohibition of newspaper advertisements for liquor being sent into dry territory came before the Senate. It was subject to the point of order that it was legislation to an appropriation bill. Thereupon a motion to suspend the rules was made and was carried. Accordingly, the Jones amendment came before the Committee of the Whole for discussion and amendment. During the course of the proceedings it was amended by inserting the language which I offered, and that language became a part of the Jones amendment without objection and without a point of order being made against it. Thereupon the Jones amendment as amended in the Committee of the Whole came before the Senate and is now pending before the Senate. The Senator from Iowa [Mr. KENYON] reserved the Jones amendment. Of course, he reserved the Jones amendment as amended, or else he would not be entitled to make any motion whatever with reference to the amendment to the Jones amendment. If he did not reserve the amendment as amended then his present motion would not lie. If he did reserve it as amended, then he can make the present motion.

But what is the motion and what is the parliamentary situation? The Committee of the Whole sent to the Senate an amendment in a certain shape and form. The Senator from Iowa desires to strike out a part of it. Now, the point of order is made, not that the Senator from Iowa could not move to strike out a part of it but that the very thing he moves to strike out is legislation, although it has already been adopted as legislation and it was rejected in the Committee of the Whole as legislation.

Mr. BORAH. A parliamentary inquiry. Would a motion to reconsider the vote by which the Reed amendment was adopted be in order at this time?

Mr. REED. Clearly not. I have not the right to answer, but I suggest to the Senator we could not reconsider that vote. We must reconsider the whole general amendment.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. If the Senator will allow the Chair——

Mr. NORRIS. Certainly.

The PRESIDING OFFICER. The Jones amendment, the Chair understands, was clearly in contravention of the rules of the Senate. On motion that rule which was violated was suspended. Then the question before the Senate was the adoption of the Jones amendment. That entire subject matter was before the Senate at the time under that suspension of the rule. It seems to the Chair that the rule was suspended as to any amendment which may have been presented and adopted thereto. For these reasons the Chair is of the opinion that the point of order made by the Senator from Kentucky [Mr. BECKHAM] is not well taken. The Senator from Iowa has moved to strike out the Reed amendment, so called, and the present occupant of the chair holds that that motion is in order.

Mr. NORRIS. Mr. President, I do not care to say anything in opposition to the ruling of the Chair, but I want to get, if I can, clearly the parliamentary situation. As I understand it, before we went into the Senate, while we were still in Committee of the Whole, the Senator from Iowa reserved for a separate vote the Jones amendment and all amendments thereto. That included the amendment of the Senator from Missouri [Mr. REED].

Now we are in the Senate. That matter is up. It is just the same. It is a new vote. There is not any such thing as a motion to strike out. Whatever the Senator from Iowa may have said, you can not make a motion now to strike out the amendment of the Senator from Missouri, but the parliamentary situation is just the same as it was in the Committee of the Whole. The motion of the Senator from Missouri to amend the amendment of the Senator from Washington [Mr. JONES] is before the Senate. It is the pending motion, and the vote is first on the adoption of the motion of the Senator from Missouri, and while that is pending, I take it, the question of the point of order can be raised. The Senator from Kentucky [Mr. BECKHAM] raised it. When that is disposed of, either by the point of order or upon its merits, then we come, just as we did in Committee of the Whole, to vote upon the amendment proposed by the Senator from Missouri. I think the Chair beclouded the situation when he said that the Senator from Iowa had moved to strike out the amendment of the Senator from Missouri. It is true the Senator from Iowa said something of that kind.

Mr. REED. He made that motion.

Mr. NORRIS. If there is such a motion pending, I want to make a point of order against it. The only way to reach it is to take the vote over again, and that is what the Senator from Iowa reserved the right to do, to take over again the vote that we took in the Committee of the Whole.

Mr. REED. No; the Senator from Nebraska is in error about the point that the Senator from Iowa reserved—the amendment for a separate vote. He reserved the Jones amendment as amended for a separate vote.

Mr. NORRIS. If that is all he reserved, it would be out of order, in my judgment, now to move to strike out the amendment that was put in by vote of the Senate.

The PRESIDING OFFICER. The Chair has the RECORD before him where the Senator from Iowa made this reservation. It was—

> For a separate vote upon the amendment of the Senator from Washington [Mr. JONES] and all amendments to his amendment.

Mr. NORRIS. That is as I understood the RECORD.

Mr. KENYON. I think possibly my motion was not in order. Then the question would be simply reserving a vote on the Reed amendment. That is all I care about, and that is the parliamentary way to reach it.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. That is all I care to say.

Mr. LODGE. This amendment the Senate declared to be in order, and I think that made all germane amendments in order; but, of course, if it is reserved, what is reserved is the whole amendment adopted in Committee of the Whole. It is open to any Senator to move to strike out certain words from that amendment, and that I understand to be the motion of the Senator from Iowa.

Mr. NORRIS. A parliamentary inquiry, Mr. President. Even if that were true, a motion to strike out a part of it would be a motion in the third degree and out of order on that ground.

The PRESIDING OFFICER. Whether the Chair was technically correct or not, the motion of the Senator from Iowa will reach the same purpose as that of the Senator from Nebraska. It seems to the Chair this is a splitting of hairs. The present occupant of the chair will hold to the ruling just made that the motion of the Senator from Iowa is in order.

Mr. GALLINGER. That is right.

Mr. LODGE. That is perfectly right.

Mr. SMITH of Georgia. The amendment of the Senator from Washington is before the Senate with the Reed amendment attached to it?

The PRESIDING OFFICER. The Reed amendment is attached to it now. The immediate question is the motion of the Senator from Iowa to strike out the so-called Reed amendment.

Mr. JONES. Mr. President, I voted for the Reed amendment yesterday. I am not going to vote for it to-day. I hope that the friends of temperance legislation will take the same position. I am going to give the reasons for changing my vote. Upon the face of it I am in favor of the amendment as it reads; I am in favor of what it would accomplish; I am in favor of it personally; but we must look a little further than our personal views with reference to matters of this kind. As the Senator from Iowa said, prohibition or temperance legislation must keep pace with public sentiment. The temperance legislation in the State must keep pace with the public sentiment in that State, and it makes no difference what I personally think ought to be done, if the public sentiment of the State will not support it, it will be ineffective.

In my State of Washington we passed a prohibition amendment. It was not a bone-dry proposition. Under it persons could bring in liquor from the outside. Personally I was against that

permission. I did not think it ought to be granted; but the people of the State did not look at it in that way. So far as the public sentiment of the State was concerned, it was not far enough along to adopt any other proposition than that. The great and primary object the people of my State wanted to accomplish was to drive out the open saloon. The public sentiment was strongly in favor of that, and so it voted for this measure. The legislature possibly by this time has passed a bone-dry law. This comes after the existence of this partial prohibition for two years. Public sentiment in the State has gotten so strong as to be back of a proposition of that sort now, and it comes easily and it is coming to stay.

This legislation would not affect the State of Washington. That State has abolished the saloon. The liquor interest is shorn of its power. It can no longer control elections. Its interested supporters are few or none at all. Prohibition is with us to stay. But I have this in mind—this is my fear: There are States that have not yet voted upon the question of prohibition. They are getting ready to do it. What will be the effect if we pass this amendment? It will put in the hands of the opponents of prohibition a strong weapon to fight any kind of prohibition.

Mr. BORAH. Mr. President——

Mr. JONES. I yield to the Senator.

Mr. BORAH. I do not see why that is true. I do not see why that should be used as a club against prohibition. It says:

> Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

It prohibits the shipment of liquor into a State except for the three or four purposes specified. If the State wants to vote bone-dry on this question, this does not make an exception. I do not see how this can interfere; on the other hand, it might help the situation.

Mr. JONES. Here is what I have in mind. I will take a State that is getting ready to vote on prohibition, and that is the State of Kentucky. Public sentiment in the State of Kentucky, the friends of temperance believe, will only support a proposition like we have had in Washington; that is, they will prohibit the manufacture and sale of intoxicating liquors in the State of Kentucky, but will permit the citizens of that State to import a certain amount of liquor a month. This would prevent the people of Kentucky from enacting a law of that character, in the judgment of those who are in a position to know. That is the point I have in mind, and that is what I do not want to aid the liquor interests in doing.

Mr. BORAH. I misunderstood the Senator. I thought the Senator supposed it was impeding prohibition.

Mr. JONES. In other words, I think it will prevent the State of Kentucky from adopting any kind of prohibition. That is what I am afraid of. I do not want to do that. I should like to see the State of Kentucky and every other State not only prevent the manufacture and sale of liquor within the State but its importation. However, the public sentiment of the State may not be that far along.

Mr. REED. Mr. President——

Mr. JONES. Just wait a moment until I finish. We have got to fight the battle in a practical way. The enemies of prohibition will use every means in their power to defeat the proposition. They will use every weapon, every instrument, every argument, and every suggestion that they can to influence the vote against prohibition. They will oppose every advance step until it is taken, and then they will profess to stand for that in order to defeat any other step. The liquor interests are for this provision now, not because they want that sort of a law, but in the hope that it will help them beat prohibition.

I do not believe that we ought to adopt any legislation that may play into their hands. In making that statement I do not suggest or have in mind or intimate that the Senators who are favoring this amendment have any such purpose in mind. I do not question their sincerity at all; but I am simply stating my view as to how it looks to me and how the proposition will be used in the future if we enact it now. When it was proposed it met with my approval as a statement of what I am in favor of personally; but as I have thought about it and considered the practical effect of it and the influence that it is likely to have in the progress of this campaign, not in the States where they have already acted, but in the States where they are preparing to act, I believe it is a bad proposition for the temperance cause in a practical way, and that it will do injury to the cause in States where they are hoping to take an advance step.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator from Idaho.

Mr. BORAH. I understand the State of Kentucky, in its prohibition proposition, has an exception which will permit the shipment into the State of Kentucky of a certain amount of liquor for beverage purposes.

Mr. JONES. I do not know what they have proposed yet. I did not know that they had made a distinct proposition. I understand that they are preparing for a submission of the question. The Senator from that State can advise us about that.

Mr. BECKHAM. The question will come before the next session of the general assembly, which meets next winter. It is believed that that legislature will submit an amendment to the constitution to be voted upon, under the constitution, in November, 1919.

I believe, as the Senator from Washington has suggested, that such drastic action as is proposed in this amendment would hurt the prohibition cause in Kentucky, because in practically all the States where prohibition has been adopted there have been made exceptions so that a limited amount could be used each month. It has been found necessary in order to secure the adoption of the amendment and the elimination of the saloon to allow some such exception. I have no doubt when the amendment is proposed by the Kentucky General Assembly some exception of that kind will be provided.

Mr. BORAH. This amendment would not interfere with that proposition. If the State of Kentucky submits the proposition that individuals shall be permitted to ship into the State from outside, say, a gallon a month or any limited amount per month for beverage purposes, this would not cover the subject at all, because they would bring it in for beverage purposes, and therefore it would not be within the purview of the amendment.

Mr. JONES. But this provision does not permit the importation of liquor in interstate commerce for beverage purposes. It only permits it for medicinal, scientific, mechanical, and sacramental purposes.

Mr. BORAH. It does not apply at all unless the State has passed a law prohibiting the use of liquors for beverage purposes:

> Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

Mr. JONES. I wish to call the attention of the Senator from Idaho to the fact that that only says where the State prohibits its manufacture and sale in the State for beverage purposes. The State may pass a law prohibiting its manufacture and sale in the State, but may not prevent a citizen of the State from sending an order outside and bringing it in. I would have no objection to do that, but that is not the general understanding. That is not the understanding of the friends of the amendment or those who proposed it. They propose to say that even though a State, in accordance with its public sentiment, shall go no further than to say that liquor shall not be manufactured or sold in the State, but its citizens may from some manufactory outside of the State bring in a certain limited amount, this shall not be done, and this provision would prevent anything of that sort. That is what they contend, and that is what the provision means.

Mr. BECKHAM. It will override the State law. The State law permits a limited shipment into the State and this act of Congress would absolutely prohibit it.

Mr. BORAH. If the State permitted it to be shipped into the State for beverage purposes the Senator thinks that this would apply?

Mr. BECKHAM. I think it would, because it says even where the State forbids the manufacture or sale in the State and does not make any exceptions.

Mr. BORAH. It could not prohibit anywhere else except within the State.

Mr. BECKHAM. I understand, but when it does that, notwithstanding any exception it might make as to a limited shipment in the State, this act of Congress would forbid such a shipment.

Mr. JONES. Mr. President, I have said all I want to say. I have given my reasons for voting to-day differently from what I voted yesterday. I hope as far as I am concerned that this amendment will be defeated not because personally I am not in favor of the proposition involved, but because what I fear will be the effect upon the contests in States that are going to try to bring about an advance step in temperance legislation.

Personally, I am for it. The principle is right, but I do not believe it is a wise thing for us to do. If a State wants to take one great step in the direction of full prohibition, let us not interfere. Let us not lend aid to those who oppose the step. The Webb-Kenyon law fully protects the States in every advance they may take toward prohibition. That law and the States with liquor advertisements shut out of the mails will meet the liquor traffic pretty well until national prohibition is an accomplished fact, as it will be in the near future.

Mr. SMITH of Georgia. Does the Senator suppose it is possible that any man in Kentucky would vote to prevent the manufacture of liquor in Kentucky and yet be willing for somebody else to send it in from another State?

Mr. JONES. I simply say that the people of my State did that very thing.

Mr. SMITH of Georgia. Those who produce it in Kentucky will not drink it from anywhere else; they do not think it is as good when made anywhere else, I understand.

Mr. JONES. My people voted that way, but after that has been in force two years they are getting ready to do now exactly what the Senator from Georgia and I are in favor of. It may be the law has already been enacted. I saw that a few days ago the lower house of our State legislature passed what we call a dry-bone proposition, and I have no doubt but that it will become a law very soon, if it is not already enacted. That will be done in every State, in my judgment, where they have partial prohibition. This has been the course of the temperance movement. First, local option in a town or township unit, then the county unit, and then the State-wide unit in this qualified way, and then full prohibition. We want results. To get them we must be practical. We must work along practical lines to accomplish the ultimate results desired. The defeat of this proposition, in my judgment, is a practical way to secure what it purports to do.

I hope the Reed amendment will be rejected, and I shall vote for the motion of the Senator from Iowa to strike it out.

Mr. BORAH. Mr. President, I voted for the amendment yesterday, and I am going to vote for it again to-day. I would not want to retard the movement for prohibition in Kentucky or elsewhere, but when a State says, "I do not want to drink my own liquor, but I will take some that comes in from the outside," I think I have a right to exercise my judgment as to what is a sound and wholesome provision. As a legislator, I would not want to indorse that proposition.

This would not apply to Kentucky at all if Kentucky made an exception by which liquors could be sold within the State in small quantities, a gallon a month or something of that kind for somebody to use, because it does not apply in a State where it is in use for beverage purposes. I can not conceive of a man wanting to vote for prohibition complete and absolute in his State, and yet not be willing to vote for prohibition complete and absolute against liquor coming into the State. I think the friends of this matter perhaps have been disturbed a little by the source of the amendment. There is no reflection upon the Senator. It does not disturb me.

Mr. REED. The Senator is a better judge of human nature and character perhaps than the others.

Mr. BORAH. At any rate, it seems to me that there is expressed a proper principle in regard to the matter, and I shall vote in favor of it.

Mr. CUMMINS. Mr. President, I very much regret that I am constrained to vote against the motion made by my colleague [Mr. KENYON]. My only objection to this amendment is that it does not go far enough. I have for a long time been a proponent of the idea that we ought to forbid absolutely all transportation in intoxicating liquor from one State to another, leaving each State to manufacture and dispose of its intoxicating liquor according to the policy of that State. There would be no denial of any worthy object either in a sacramental or medicinal or mechanical or scientific way, for each State could manufacture all of the alcohol that was desirable for those purposes within its own borders.

I think the most effective thing that Congress could do would be to interdict completely all transportation in intoxicating liquor as between the States, and I was very sorry when the Senator from Missouri [Mr. REED] modified his amendment yesterday by inserting the words "medicinal, scientific, sacramental, and mechanical." To me it is inconceivable that the prohibition cause can be hurt by condemning the policy of any State that will say that "there shall be no intoxicating liquor manufactured in this State, but our people are at liberty to receive such liquor if brought in from other States."

The only reason that this question has ever arisen in any of the States is because it has been assumed that Congress had not the power to prohibit the transportation of liquor from one State to another. That erroneous opinion has been overthrown, and it is now well recognized that we have the power to make liquor contraband, so far as its transportation from one State to another is concerned. I am in favor of doing it, and I again say that I am sorry the amendment excepted the transportation for the purposes indicated in it, namely, medicinal, sacramental, mechanical, and scientific. I am therefore impelled to vote, as I did yesterday, for the amendment of the Senator from Missouri.

Mr. SMITH of Georgia. Mr. President, I voted for the amendment yesterday, and I was very much gratified that it was adopted. I shall vote for it again to-day. I do not believe that it will injure the prohibition fight in any State. The opponents of prohibition in the State fights usually say, "What is the use of stopping the manufacture and sale in the State? They will ship it in in great quantities from other States." The State that permits a limited quantity to be shipped to its citizens is laughed at for forbidding the manufacture and sale in the State and yet permitting it to be shipped in from other States.

I think this will be a great help to the "dry" States, and I think it will help States to go "dry." The fact that when States go "dry" liquor is not to be poured in from other States in any way will be a wonderful help to the cause.

I hope the motion to strike out will not prevail.

Mr. MARTINE of New Jersey. Mr. President, I have an amendment which I should like to offer to this bill just now.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The present occupant of the chair thinks the amendment would not be in order at this particular juncture. The Senator from New Jersey will be recognized for the purpose of offering the amendment later.

Mr. MARTINE of New Jersey. Very well.

Mr. REED. Mr. President, I am sorry that the author of the Jones amendment, having made his speech, has retired from the Chamber, because what I have to say I think he ought to hear.

Let us see what the subject matter with which we are dealing is. Let us just for a moment review the situation. What is it? The Webb-Kenyon law was enacted, which conferred upon the States the right to prohibit the shipment of liquor from points outside a State into a State. All doubt as to the constitutionality of that law is now at rest by virtue of the decision of the Supreme Court of the United States in the West Virginia cases. So, as the case now stands, any State may stop the shipment of liquor into the State if it desires so to do. With the law in that shape, with the full right and power existing in any State to stop the shipment of liquor into the State, the Senator from Washington [Mr. JONES] brings here an amendment to this bill proposing to send the editor of a newspaper to the penitentiary, as he had it in the amendment, for as long as five years if he shall publish an advertisement of liquor and shall put his newspaper into the mails and send it into a dry State.

What was the purpose, my brother JONES, in asking that amendment except to invoke the aid of the Federal Government to prevent knowledge of where liquor could be purchased outside of your State, and other prohibition States, from even reaching the minds of the inhabitants of prohibition States? That was the object; that was the purpose. There could be no other object or purpose. You propose to send to the penitentiary a man who has simply told a citizen of a "dry" State where he can get liquor outside of the State; and now when I ask that you reach the shipment itself, you, who stand here clamoring for a law to send to the penitentiary a man who furnishes information as to where the liquor can be purchased, decline to pass a law that will penalize the man who conspires to bring the liquor itself into your State, and you say that I am not acting in good faith.

Mr. JONES. Oh, no.

Mr. REED. You say it by intimation.

Mr. JONES. Mr. President, I have been very careful to be as considerate as possible; much more considerate toward the Senator than he has been to friends on this side. I have not suggested or intimated that he has been acting with improper motives. I have all the time assumed, and I have tried to debate the question all the time, from the standpoint that the Senator is perfectly honest and sincere.

Mr. REED. I am glad to have that conceded. I waive that point and lift the question entirely above personalities.

You say that it will injure the cause of temperance, the advance of the prohibition movement, to stop the sending of the liquor itself into "dry" territory, and yet in the same breath you ask to send men to the penitentiary for sending information as to where the liquor can be obtained. If there is any mind contained within the skull of any human being that can recon-

cile those two positions and reduce them to a logical coordination, then I have not discovered the possessor of that remarkable intellect.

You say that extreme legislation may deter the advance of this movement. I think that extreme and outrageous legislation will deter the advance of any movement to which the legislation is attached. I said that on yesterday when it was proposed to enact a law that, as it was brought here by the distinguished Senator from Washington, would have made it possible to have sent a woman to the penitentiary for five years who mailed a newspaper to her husband if that newspaper happened to have a liquor advertisement in it, and she knew it. I appealed then for a mitigation of the penalty and a change of that phraseology, and suggested an amendment which, at least, limited the operation of the law to a newspaper publisher who might knowingly send the paper into "dry" territory, and to the dealer in liquor who might be sending it into "dry" territory for the purpose of making money.

So it does not lie in the mouths of those who advocate this extreme legislation against the dissemination of information as to where and how liquor can be purchased to criticize those, or to challenge the motives of those, who say that we ought to go to the evil itself and prohibit the shipment of the thing for the promotion of which shipment the advertisement has been printed. So much for that.

The statement has been made here that we must not run in advance of public sentiment, and that therefore prohibition legislation ought to follow a sentiment that has been created in favor of it in a particular State. Well, there is much in that argument, but it has no application here. Yet I can not refrain from calling attention to the fact that the very men who are now opposing this amendment and seeking to strike it out are the gentlemen who have been the advocates of nation-wide prohibition and who have proposed to employ the votes of the "dry" States to force prohibition upon the great populous States where prohibition has never been adopted. Consistency is a jewel that is not always found in the caskets of my friends.

It is said that this legislation will make prohibition a fact, and that because it will make it a fact it will be difficult to pass prohibitory laws in some States. This legislation simply proposes to stop the shipment of liquor into a State where the State itself has gone "dry"; and the amount of the argument is this, that unless the inhabitants of a State are permitted to irrigate the State from outside sources they will not adopt prohibition. The same argument carried to its legitimate conclusion would lead to the repeal of the Webb-Kenyon law, for the same class of advocates could well say to those who are about to adopt a prohibitory law in a State, "You should not adopt it, for the State will have the authority to stop your getting any from the outside." Therefore we ought to repeal the Webb-Kenyon law, so as to offer the inducement to gentlemen in "wet" States to help adopt prohibition by holding before them the glorious array of quarts and gallons and hogsheads that they may import for their private use. The argument made against this amendment can be made with the same force and effect against the Webb-Kenyon law and in favor of its repeal, because the basis of the complaint is that it will shut off the outside supply of liquor, and that is embraced in the Webb-Kenyon law in principle just as it is embraced in this amendment.

I have always understood the junior Senator from Kentucky [Mr. BECKHAM], and I am sorry he is not in the Chamber, to be a very ardent prohibitionist, to be one of those men who in perfect good faith have inveighed against the evil of intoxicating drink, one of those men who in perfect good faith have pictured the ruined home, the ragged children, the pale-faced wife of the drunkard, and yet he tells us that we must not adopt a law which will enable his State, when it passes a law prohibiting the manufacture and sale within its borders of these deadly intoxicants, to be protected against pollution from the outside. He tells us that this moral movement will be arrested unless the "Kentucky colonel" is assured of his supply of red liquor even while he stands and votes for the law to prohibit its manufacture within his own State. It makes mighty little difference, Senators, to the wife of the drunkard, it makes mighty little difference to the starving child of the drunkard whether the father got his bottle of whisky at an express office or at a drug store or at a saloon. It has little to do with the pangs of hunger, with the suffering and agony of the wife and children whether the liquor was imported into the State or made within the borders of the State. But this makes a difference: If prohibition be right, if it ought to be adopted, if the liquor business is an evil business, and if liquor drinking be a dangerous and deadly thing, it does make a difference whether you stop up both sources of supply or whether you only stop one.

Senators talk about being practical with a law of this kind. I will tell you what the practical side of it is, and I will challenge any prohibitionist on this floor to deny the truth of what I say. Any State can easily stop the manufacture of beer within its borders, because great breweries stand where they can be seen; any State can easily stop the manufacture of whisky within its borders, because the distillery is where it can be seen. Now, if a State can stop the manufacture within its borders and no liquor can get in from the outside, you have prohibition practically and easily enforced, but if the borders of that State are open for liquor to flow in from every other source, if it can be sent in through 10,000 channels, then what do you have? The experience of States answers the question. My friend from Kansas, Mr. THOMPSON, and I had a colloquy some days ago. They have had prohibition upon the statute books in Kansas for many years. My friend and I may disagree as to the character of the enforcement of the law they have in Kansas, but, boiled down, the sole amount of all the discussion was this, that Kansas has stopped its manufacture ever since she has had a prohibitory law, but Kansas has been deluged with liquor from the outside, and whatever there is of drunkenness in Kansas or whatever there is of the misuse of liquor in Kansas has come by virtue of the fact that the liquor was made elsewhere and sent into Kansas. My friend, the Senator from Kansas, and I disagreed about some matters the other day, but he will agree with me on this, that if no liquor was sent into Kansas from the outside, there would be an absolute condition of prohibition and sobriety within the State.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. I do.

Mr. THOMPSON. As the Senator has called attention to the little difference we had, I should like to know if he will not admit now that in our joint city of Kansas City, Mo., and Kansas City, Kans., the law-enforcing element of my State having had great difficulty in dealing with the transportation of liquor across the line had done everything in its power to prevent it. I will ask him further if I did not show him a journal entry of the court proceedings in the Supreme Court of Kansas by which that traffic was stopped by injunction? I simply want to get the record straight in this regard.

Mr. REED. I am really sorry the Senator has brought up that question, because it is a mooted one.

Mr. THOMPSON. I should like to introduce as part of my remarks the court record showing the injunction in those proceedings. This same decree was obtained against a half dozen other liquor concerns of Missouri, the names of which appear in the body of this journal entry.

I wish to say in this connection, I am in favor of the Senator's amendment because I believe it will aid materially in the enforcement of the prohibitory liquor laws in dry States.

Mr. REED. Well, Mr. President, I have no objection to the Senator introducing the court record.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The matter referred to is as follows:

IN THE SUPREME COURT OF THE STATE OF KANSAS,

Tuesday, September 10, 1907.

The State of Kansas, ex rel., plaintiff, *v.* the Kansas City Breweries Co., a corporation, defendant. No. 15491.

JOURNAL ENTRY OF JUDGMENT.

Now, on this 10th day of September, 1907, this cause coming on for final hearing and adjudication the same is submitted to the court upon the pleadings and proof, the plaintiff appearing by Fred S. Jackson, attorney general of the State of Kansas, and the defendant appearing through its attorneys, Harkless, Crysler & Histed, and thereupon, and after hearing the evidence and being fully advised in the premises, the court finds that the defendant, the Kansas City Breweries Co., is a corporation organized and existing under and by virtue of laws of the State of Missouri; that the defendant is engaged in the business of manufacturing and selling intoxicating liquors, and that the defendant has not at any time made any application to the charter board of the State of Kansas for permission to engage in business as a foreign corporation in this State, and that no permission has been granted by said charter board to the said defendant to so engage in business as a foreign corporation in this State, nor has the charter board nor the secretary thereof, at any time, issued any certificate to defendant authorizing it to do business in the State of Kansas as a foreign corporation, and neither has the defendant filed with the secretary of state of the State of Kansas any certified copy of its charter as provided by the laws of the State of Kansas; that said defendant at the time of the institution of this proceeding in violation of the laws of the State of Kansas was exercising its corporate powers and franchises therein; that at the time of the institution of this proceeding, the defendant was engaged in the unlawful sale, barter, and delivery of intoxicating liquors within the State of Kansas, and was keeping and maintaining places within said State where intoxicating liquors were sold, bartered, and given away in violation of law, and where persons were permitted to resort for the purpose of drinking intoxicating liquors as a beverage, and where in-

toxicating liquors were unlawfully kept for sale, barter, and delivery, all of which said acts so done and permitted by the defendant, were contrary to the statutes and against the peace and dignity of the State of Kansas.

And the court now further finds from the evidence that at the time of the institution of this suit all of the real estate belonging to the Kansas City Breweries Co. situated in the State of Kansas stood in the name of Ephriam M. Fuqua, who held the same as trustee for the use and benefit of the Kansas City Breweries Co., as trustee for it.

And the court further finds that heretofore, to wit, on the 4th day of September, 1907, the said Ephraim M. Fuqua made, executed, and delivered as grantor jointly with the Kansas City Breweries Co., deeds to all of the property so held by him in the State of Kansas to Ferdinand Heim, and that all of the real estate situated in the State of Kansas in which said brewing company had or now has any interest is now vested in the said Ferdinand Heim.

It is therefore now ordered, adjudged, and decreed that the defendant, the Kansas City Breweries Co., be permanently ousted, prohibited, restrained, and enjoined from the exercise of all corporate right and privileges and powers and franchises within this State, and that the officers, agents, employees, and servants of said defendant be ousted, prohibited, restrained, and enjoined from owning, holding, or using property, either real or personal, in this State, contrary to law, and that the officers, agents, employees, and servants of the said defendant be ousted, prohibited, restrained, and enjoined from engaging in or transacting on behalf of said corporation any business within the State of Kansas, and the said defendant corporation, its officers, agents, employees, and servants are hereby ordered and directed forthwith to remove all of its personal property from the State of Kansas, and that they have permission to do so, and the receivers are hereby ordered to turn over to the said defendant all personal property of every kind and description now in their hands, belonging to said company, upon the payment of the costs as hereinafter stated.

It is further ordered by the court that the conveyance of the real estate to the said Ferdinand Heim heretofore referred to in this decree be, and the same is hereby, approved and confirmed. And it is further ordered that the said Ferdinand Heim, his assignees, and all persons holding under him, be, and they are hereby, permanently enjoined from using any of said real estate or permitting the same or any part thereof to be used in the unlawful sale, barter, or delivery of intoxicating liquors within the State of Kansas.

And it is now further ordered that said receivers turn over to the possession of the said Ferdinand Heim upon the payment of costs herein all of the real estate now in their possession as well as the personal property heretofore mentioned.

It is further now ordered and adjudged by the court that the receivers heretofore appointed in this cause, to wit: S. H. Allen, T. F. Garver, and G. H. Whitcomb, be, and they are hereby, allowed the aggregate and total sum in full of their compensation for their services as receivers of this court in this cause, the sum of $10,000, which said sum shall be not only in full of their fees as receivers in this cause, but also shall include all claim for compensation in causes:

No. 15485, State of Kansas ex rel. *v.* Heim Real Estate Co.
No. 15486, State of Kansas ex rel. *v.* Ferd Heim Brewing Co.
No. 15489, State of Kansas ex rel. *v.* Rochester Brewing Co.
No. 15490, State of Kansas ex rel. *v.* Heim Brewing Co.
No. 15492, State of Kansas ex rel. *v.* Imperial Brewing Co.
No. 15611, State of Kansas ex rel. *v* Freemont Land & Imp. Co.

And it now appearing to the court that the receivers and the defendant have accounted between themselves and settled all matters, one with the other, in reference to rents collected and money expended in and about their receivership, and care and management of the property, it is now ordered that no further accounting shall be required on behalf of the receivers.

And now on this day, in open court, personally appears each and all of the receivers and in open court acknowledge the full payment to them of said sum of $10,000 in full of their receivership services.

It is further now ordered by the court that any and all orders heretofore made in this cause authorizing the receivers to issue receivers' certificates, and negotiate the same, be, and the same is hereby, ordered set aside, annulled, and for naught held and esteemed; and it is further ordered that if any such receivers' certificates have been issued, that the same are here now canceled and annulled and the receivers are ordered to surrender all such certificates to the clerk of this court, and that the clerk upon the surrender thereof shall cancel the same and note the cancellation thereof upon his docket.

It is further now ordered that the costs of this proceeding, taxed at $130.28, be, and the same are hereby, adjudged against said defendant, and it is now further ordered that the receivers heretofore appointed be, and they are now fully discharged and acquitted, except they are continued for the purpose of enforcing this decree as to the removal of personal property.

IN THE SUPREME COURT OF THE STATE OF KANSAS.

STATE OF KANSAS,
Supreme Court, ss:

I, D. A. Valentine, clerk of the Supreme Court of the State of Kansas, do hereby certify that the above and foregoing is a full, true, and correct copy of the journal entry of judgment in the above entitled cause, as the same remains of record at page 432 of journal "KK" of said court.

Witness my hand and the seal of the supreme court hereto affixed at my office in the city of Topeka, on the 30th day of December, A. D. 1916.

[SEAL.] D. A. VALENTINE,
Clerk Supreme Court.

Mr. REED. Well, Mr. President, I have no objection to the Senator introducing the court record; that is all right. The existence of that court record demonstrates that the traffic has existed. The court record has been written enjoining certain men from sending liquor into Kansas. Likewise—and I thought I had it here—the record of the Leavenworth court, a county that probably has a population of 30,000 or 35,000, shows that there were over 300 liquor cases upon the docket at the present term of court. That is not said to throw any reflection on Kansas. I am saying that Kansas would not have any liquor cases and would not have any need for injunctions if this provision becomes a law; and I say, furthermore, that the records of shipments of liquor into prohibition States show the astounding fact that in many of the States that have passed prohibitory laws the consumption per capita is very great.

Now, I can not bring myself to the opinion that men who really are in love with the cause of temperance and prohibition are willing to sit in the Senate and kill off the only measure that is now before them that will protect "dry" territory. I can not bring myself to the opinion that they are only half prohibitionists; that they are geographical moralists; that anything done across the red line of a map is all right, but if it is done on the other side of the red line it is all wrong. I can not believe that these good and earnest gentlemen, when they come to consider this question and to reflect upon it, will conclude that a bottle of whisky made in Missouri, 2 miles south of the Iowa-Missouri line, will do any less damage in the State of Iowa than if it had been made 2 miles north of that line. I can not believe that these gentlemen propose "to compromise with evil, to make a league with hell, and a covenant with death." Neither can I believe that these gentlemen, whose moral vision is very broad and luminous, are willing to promote the manufacture of liquor in other States by continuing to afford the manufacturer in other States a market within their own sacred States. I do not believe that this movement is dependent for its success upon the ability of gentlemen to convince a large number of the inhabitants of a State that it is all right to pass the law when it will only reach the other fellow, while they can get all the grog they want through interstate commerce; that their own habits can still be fed out of the same bottle that they always drank from, albeit the bottle may have to be shipped across a State line. That, sirs, is the most pitiable begging of a question I have ever heard.

I call attention to this fact, and I say again, experience demonstrates it. It was demonstrated in the State of Iowa. They passed a prohibitory law in that State many years ago, and immediately the State became filled with "blind tigers," with crooked dens of iniquity. I lived there. I know whereof I speak. In one city where I lived Government licenses prior to the enactment of prohibitory law had not exceeded 50 or 60. Within 30 days after the law was enacted they had run up to 300. No man takes out a Government license unless he intends to sell liquor. The result was trial after trial, many convictions, and many acquittals. For many years the law remained upon the books; the State was filled with blind tigers, not one of which could have existed if this law had been then enacted, not one of which could have cursed that State by its existence had this law been upon the Federal statute books. So that finally they passed a mulct law and went back to the open saloon, preferring the open saloon to the blind tiger; and then, afterwards, again they went back to the prohibitory law. A much better condition, I think, now exists. Still, prohibition is not prohibition in the State of Iowa, because the State is flooded with liquor from the outside.

So it will be in the State of Nebraska when the present law passed by that legislature becomes effective. I believe it is not yet effective, but when it goes into operation the State of Nebraska will have no difficulty in stopping the breweries of Nebraska. If Nebraska has distilleries, you will have no difficulty in suppressing them—not a bit—but the thing you will be met with in the city of Omaha and in the city of Lincoln and in all the other important cities of your beautiful and progressive State will be the constant supply of liquor from the outside. It will not be sold in the open saloon, but it will be sold through drug stores; it will be sold by bootleggers; it will be vended in blind tigers; it will be distributed through clubs, or alleged clubs, where young boys get together behind locked doors, with an unlimited supply of liquor, and drink until they fall over insensible—a worse condition than the open saloon. I propose that you shall be protected against that, and I propose to go further in this law—and it is the first law of the kind that I know of, although others of similar character may have been passed. I propose to say to the man within a prohibition State who seeks to set aside and nullify the laws of that State by sending outside for liquor, "You shall yourself be amenable to the law."

We have now the situation of Senators who have been earnest advocates of prohibition legislation, who have been earnest advocates of a constitutional amendment that will embrace the entire country, standing here and pleading the cause of whisky in interstate commerce, of beer in interstate commerce, or any other kind of liquor in interstate commerce, begging that the railroads shall still be loaded with the stuff, imploring the Senate in the name of temperance and sobriety to continue to flood the dry territory with these evil products.

Let us have at least a record vote. Let us know who are in earnest and who are not in earnest.

Mr. KENYON. I ask for the yeas and nays on this question.

The yeas and nays were ordered.

Mr. CULBERSON. Mr. President, let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The junior Senator from Iowa [Mr. KENYON] proposes to strike out the amendment heretofore agreed to on line 16, page 2, of the amendment agreed to on yesterday, which reads as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

Mr. REED. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ASHURST voted "yea."

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. The roll call must proceed.

The Secretary resumed the calling of the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], but I am advised that he would vote as I shall vote. I therefore vote "yea."

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. Not knowing how he would vote on this question, I withhold my vote for the present. If at liberty to vote, I should vote "yea."

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. In his absence I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I am paired with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. STONE (when his name was called). Has the senior Senator from Wyoming [Mr. CLARK] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. STONE. I transfer my pair with that Senator to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I am compelled to withhold my vote. If at liberty to vote, I should vote "yea."

I also desire to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is absent on official business and is paired with the junior Senator from Idaho [Mr. BRADY].

Mr. OVERMAN (after having voted in the affirmative). I announce my pair with the junior Senator from Wyoming [Mr. WARREN], which I transfer to the senior Senator from Nevada [Mr. NEWLANDS] and will let my vote stand.

Mr. GALLINGER. Has the senior Senator from New York [Mr. O'GORMAN] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. GALLINGER. I am paired with that Senator. Not knowing how he would vote on this question, I withhold my vote.

Mr. STERLING (after having voted in the affirmative). I will ask whether the junior Senator from South Carolina [Mr. SMITH] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. STERLING. Then I withdraw my vote, as I have a pair with that Senator.

The result was announced—yeas 28, nays 38, as follows:

YEAS—28.

Ashurst	Hollis	Overman	Simmons
Bankhead	James	Owen	Stone
Beckham	Jones	Page	Swanson
Clapp	Kenyon	Penrose	Thomas
Culberson	Lane	Pomerene	Tillman
Fall	Martin, Va.	Shafroth	Townsend
Fernald	Norris	Shields	Works

NAYS—38.

Borah	Hughes	McLean	Smith, Mich.
Brandegee	Husting	Martine, N. J.	Smoot
Broussard	Johnson, S. Dak.	Nelson	Sutherland
Bryan	Kirby	Pittman	Thompson
Catron	La Follette	Poindexter	Wadsworth
Chilton	Lea, Tenn.	Ransdell	Walsh
Cummins	Lee, Md.	Reed	Watson
du Pont	Lippitt	Sheppard	Williams
Fletcher	Lodge	Sherman	
Hitchcock	McCumber	Smith, Ga.	

NOT VOTING—30.

Brady	Gore	Newlands	Smith, S. C.
Chamberlain	Gronna	O'Gorman	Sterling
Clark	Harding	Oliver	Underwood
Colt	Hardwick	Phelan	Vardaman
Curtis	Johnson, Me.	Robinson	Warren
Dillingham	Kern	Saulsbury	Weeks
Gallinger	Lewis	Smith, Ariz.	
Goff	Myers	Smith, Md.	

So Mr. KENYON's motion was rejected.

Mr. KENYON. Mr. President, at the close of what is known as the Reed amendment I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the amendment, which will be stated by the Secretary.

The SECRETARY. After the words "punished as aforesaid," the Senator from Iowa proposes to insert:

Provided, That nothing herein shall authorize the shipment of liquor into any State contrary to the laws of such State.

Mr. REED. I accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. MARTINE of New Jersey. I desire to offer an amendment, namely, to insert in line 3, after the word "fermented," the words "or those articles commonly known as Coca Cola and Peruna."

The PRESIDING OFFICER. The Senator from New Jersey offers an amendment to the amendment agreed to as in Committee of the Whole, which will be stated.

The SECRETARY. After the word "fermented," on line 3 of the so-called Jones amendment, it is proposed to insert:

Or those articles commonly known as Coca Cola and Peruna.

Mr. MARTINE of New Jersey. Mr. President, if we are going to have prohibition in these Territories, let us make it a thorough and complete renovation.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to his colleague?

Mr. MARTINE of New Jersey. I do.

Mr. HUGHES. Is not Peruna already included in the terms of the bill, under the title of "alcoholic liquor"?

Mr. MARTINE of New Jersey. I do not know; I think not, but it is clearly alcoholic liquor. Recently I have first conversed with and then written to no less a gentleman than the distinguished Dr. Wiley, of the Health Bureau, as to the desirability of Peruna as a beverage and a drink. He tells me that it is the most noxious of drugs and loaded with the poorest of whisky. I asked him regarding Coca Cola, and he tells me that Coca Cola is a drug infinitely dangerous, and one that should be barred generally from our drug shops as a beverage.

This thought has been presented to me—that there was a powerful interest and lobby here pressing this prohibition measure. I said to the gentleman making the statement: "From whom? From the liquor men?" "No; but," he said, "it is from the Peruna and the Coca Cola interests, in order to shut people off from other beverages and hence make them resort to their drinks."

I have here, from Georgia, the Macon Telegraph. Most of you do not know that splendid wealth has been acquired through the manufacture of the decoction known as Coca Cola, and the owner lives in a princely home in Atlanta. This article says that there is a lobby there, and that $50,000 has been put up for the purpose of maintaining the Coca Cola interests. No less a gentleman than Judge Stark is quoted here. I inquired from some of my Georgia friends as to the standing of Judge Stark, and I am told that he is a man of great respectability and judgment and honesty. He says:

A half dozen reputable physicians have stated that there are over 300 girls in Atlanta that are Coca Cola fiends and nervous wrecks. Yet these fanatical hypocrites, like the editor of the Commonwealth, could have this number increased in Georgia—and that among our women and children. * * * Coca Cola and such drinks not only make physical wrecks out of our men, but destroy the physical welfare of our women and children and make nervous wrecks of them. There are over 2,700 known Coca Cola and "dope" fiends in this State, and if all could be numbered it would amount to over 5,000.

Mark you, this is in Georgia, the model of prohibition:

Judge Stark declared that when a similar bill to tax soft drinks was before the legislature in 1913 he had taken the ground that Coca Cola, Chero-Colo, Bludwine, and similar drinks were doing the women and children of Georgia more harm than heavy drinks were doing the men. "That proposition was true then as it is now. But on account of a tremendous lobby backing of the Coca Cola and similar drink influences that bill received the same treatment that the recent prohibition bills had accorded them by the rules committee—an eternal cold-storage sleep in the arms of the committee."

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. MARTINE of New Jersey. I do.

Mr. GALLINGER. I understood the Senator to say that he had consulted Dr. Wiley. Did Dr. Wiley state to the Senator what proportion of alcohol was in Coca Cola?

Mr. MARTINE of New Jersey. Dr. Wiley did not.

Mr. GALLINGER. I will say to the Senator that I have reason to believe that in Peruna there is more alcohol than in gin, and it is undoubtedly an intoxicating beverage, if it can be so called; but the Senator did not state what Dr. Wiley said about Coca Cola.

Mr. MARTINE of New Jersey. I think the Senator failed to catch my remark. I said that Dr. Wiley had said, regarding Coca Cola, that it was a most noxious and dangerous drug.

Mr. GALLINGER. Yes. It doubtless has some form of opiate in it, I think.

Mr. MARTINE of New Jersey. Possibly.

Mr. GALLINGER. But it is not alcoholic.

Mr. MARTINE of New Jersey. But I suppose men might chew opium and do all the other evils connected with opium, smoking and everything else, but it would not be compared to the hideous evil of a little alcohol.

Mr. NELSON. Will the Senator from New Jersey yield to me?

Mr. MARTINE of New Jersey. Certainly.

Mr. NELSON. It appears from a decision of the Supreme Court last summer that Coca Cola is mainly composed of sugar and water with a little bit of flavoring of coca and cola leaves, but pretty much nothing else except sugar and water. Anyone who is curious on the subject can read the decision of the Supreme Court and ascertain the percentage of sugar and the percentage of water and the quantity of coca and cola leaves, unless they have added liquor to it. It does not appear from the evidence taken in that case that there was any liquor in it at all.

Mr. MARTINE of New Jersey. I can not say that there was liquor in it; I said noxious drugs. I understand that the human appetite can not be entirely made over and regulated and controlled, and so my friends find Coca Cola and a thousand other decoctions in order to satisfy their tastes.

I came across this clipping that might appeal to the Senator from Washington and the Senator from Mississippi. I cut this out of the New York World:

A temperance cocktail.

Listen:

TEMPERANCE COCKTAIL MEETS WITH BRUTUS.

The expert drink mixer of the antialcoholic committee of the health department got busy yesterday in an effort to produce a strictly temperance cocktail for New Year's. This is the result:

Take notice, Senator from Washington.

Take a lump of sugar and place in the bottom of a glass. Add two drops of bitters and a dash of grapefruit juice. Pour in three fingers of grape juice—

I do not know what particular brand of grape juice.

Pour in three fingers of grape juice and the juice of half an orange. Serve in a whisky glass half full of cracked ice.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. MARTINE of New Jersey. Just let me finish.

The PRESIDING OFFICER. The Senator from New Jersey declines to yield.

Mr. MARTINE of New Jersey. I would not have the Senator lose the merits of this superb prescription for temperance men. Just let me finish this:

The new receipt was given to Dr. Charles F. Bolduan, director of the bureau of public-health education for publication, but he decided it was unfair to inflict the mixture on the public until he had given it a trial, which he proceeded to do. The result was that he added the following to the directions:

"Mix carefully and pour in the sink."

That was his suggestion, and I commend it to the Senator.

Now I want to say a word on this point. I have listened to these distinguished gentlemen's talk of the blessings and benefits of prohibition. I believe the State of the Senator from Washington, who offered this amendment, is a prohibition State. I find in the annual report of the Commissioner of Internal Revenue that the State of Washington rectified 174,023 gallons of spirits in 1916. I find further, running over it, the result in these great Southern States wherein prohibition has been tried to a test—the result is they tell us that these States are dry. I regret to say to my friend from Alabama that Alabama heads the list. The work done by the internal revenue bureau up there last year shows that they seized 603 illicit stills. Alabama is not alone. Arkansas had only 4. Then you come down to Florida, and Florida had 135. And Georgia! Where is my friend from Georgia? Georgia, 667 illicit stills. But oh, now, my friend from North Carolina, do not laugh too gleefully. Let me tell you your tale of wrong. Is your State free from misery, woe, pauperism, drunkenness, beggary, and all the horrors that are known to man? North Carolina—and oh, I love the State and I love the Senator; I have been within the borders of your State and buried some of my kin. In North Carolina they found 883 illicit stills in prohibition, temperance North Carolina.

What have you to say to that? I find illicit stills distributed in Ohio—four thousand some odd—and I find in West Virginia 16 illicit stills were discovered. I believe you are honest, but you do not know your own situation in your own home. You have got to come here to find it out.

I heard my friend from Kansas [Mr. THOMPSON] telling something about Kansas. I have a letter here with reference to Kansas. I find this in the Wichita (Kans.) Beacon:

There are considerably fewer than 100 Federal liquor licenses in Kansas. Thirty of them are held in Wichita. The Wichita Beacon has printed the names and addressses of the holders, with the remark that those licenses were not purchased to be framed and hung on the wall. The mayor of Wichita, who has sole charge of the police, has so far failed to show interest. The Beacon wants to know why. Joints are running wild in that city. Names and addresses have been furnished to the police repeatedly. Evidently the mayor of Wichita finds no discomfort in being in a hole.

It says these gentlemen have licenses. They are not purchased simply for ornamental looks on the wall, but they are there to permit them to do business, and they do business.

Then I have this written to me by a gentleman, a very delightful man. He says:

I had a slip from a Kansas City paper showing number of arrests for drunkenness—

Great God! can that be?—

for drunkenness in Topeka—

God spare the mark!—

for the year ending June 30, 1916. As I remember it, there were 1,783. Ask Senator THOMPSON to furnish you a copy of police-court records for five years past.

Now, my friends, I hate to bring these things up to you. It is very uncomfortable to you, but, great God! do not think you can arrogate to yourselves all the wisdom and all the propriety in regulating the life of mankind. You are endeavoring in your own way to stretch out sumptuary legislation to regulate the habits and control the place and conditions of society that surround us. These things in a way are a necessity, and you are doing not God's service, but you are doing the service of the other side.

Mr. President, I feel that you gentlemen are fanatical. This country has been a splendid country since time began. Let me tell you what Tom Jefferson said about it:

Our legislators are not sufficiently apprised of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and take none of them from us.

Abraham Lincoln said:

Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation, and in making crimes out of things that are not crimes. A prohibition law strikes a blow at the very principles on which our Government was founded.

Horatio Seymour; Samuel J. Tilden; John Quincy Adams; Thomas Francis Bayard; Roger Q. Mills; Senator Richard Coke, of Texas; Sam Houston; Senator John Sherman; Jefferson Davis; Thaddeus Stevens; Dr. Reid, the editor of the Lancet; Lord Salisbury; Dr. Lyman Abbott; Rev. Samuel R. Wilson; and so on. There are a great number of names here. Here is what the Christian Union Observer says, and I do not know whether that will have any effect on the propaganda or not, for everything is utterly un-Christian to them that looks as if it contained in any way alcohol:

It has been once tried in Massachusetts, and ignominiously failed. It is, according to all accounts, a failure in Rhode Island. In Ohio a similar provision in the constitution prohibiting license gave over the State for years to free liquor, and made Cincinnati a by-word and a reproach.

So the story goes. I might read more from the Kansas City Times, the Chicago Republican, the Rochester Herald. Why, my friends, you have run mad, bereft of reason, certainly of judgment, of fairness, and, I believe, of common sense. I trust

this whole provision may be utterly wiped out and the Senate of the United States may not further belittle and disgrace itself with this sumptuary nonsense.

Mr. JONES. Mr. President, I am very much interested in not having an extra session of Congress. I am going to do everything I can to prevent it. I have thus far resisted the temptation that has been very strong to discuss the various suggestions of our friends on the other side. I am going to continue to resist it. We are not trying to remedy all the advertising evils by this amendment; there is one particular one that we are after; and I hope that this amendment to the amendment will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

Mr. POINDEXTER. On page 18, line 14, after the word "clerk," I move to insert "clerks and letter carriers at first-class post offices."

I hope the committee will not oppose this amendment. It simply makes the amendment which the committee adopted as to substitute railway postal clerks applicable to postal clerks in first-class post offices. It does not change the language of the amendment in any other respect.

In this connection I should like to state that the only effect of it would be to induce the postmasters at first-class post offices to limit the number of appointments of substitute clerks and substitute letter carriers, so that there would not be any more of them than would be needed to be appointed as clerks and carriers at the minimum salary of $800 a year after the substitute had performed a service equivalent to 313 days. It is intended to remedy a situation which has been described in the debate upon this bill and has been fully described in hearings before the Committee on Post Offices of the House of Representatives growing out of the unnecessarily large number of substitute clerks and carriers who are required in many of the offices to report every day. There is no work for all of them. Many of them get only enough work to make some $300 or $400 a year; they have families to support, and the consequence is that they are in want and suffering. There is no reason why such an unnecessarily large number of substitutes should be appointed, and if the postmasters are required to appoint them to the position of clerks and carriers at $800 a year after they have been employed for a period of time equivalent to 313 days, then it will limit the number of appointments of substitutes, and the remaining number of substitutes will get a reasonable amount of work and earn sufficient money at least to live in a decent manner.

Mr. BRYAN. Mr. President, I am sorry the Senator from Washington has offered this amendment. The substitute clerks in the Railway Postal Service were provided for in the bill after an investigation and after the claim was made that they ought to be granted and after the Post Office Department was heard and presented its side. There was a real evil corrected there. A young man might enter as a substitute railway postal clerk at a very small compensation, and in some instances they might be kept in that position looking hopefully to be advanced to be a postal clerk, and somebody else would be transferred into his jurisdiction, and his hopes would be deferred still longer and never realized. The committee considered that and acted upon it.

This matter was never presented to the committee. The Post Office Department has never had an opportunity to be heard upon it. As I understand the Senator's proposition, it is that after a man has been a letter carrier for a year he shall then be made a clerk in a post office. He might be qualified to do the work assigned to a letter carrier—he may have been for several years a letter carrier—but not qualified to be a clerk in the post office.

Mr. POINDEXTER. If the Senator will allow me to interrupt him, he is mistaken as to the proposition. It is that he shall be made a carrier or a clerk. Of course, if he is a substitute carrier he would be made a carrier, and if a substitute clerk he would be made a clerk. That would be in the power of the postmaster to regulate.

Mr. BRYAN. I do not think that sort of legislation should be put on the bill without an opportunity to know what we are doing. Of course, it is not in order unless we reconsider the amendment that has already been adopted. I hope the Senate will not agree to it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington.

Mr. POINDEXTER. In addition to what I have already stated, I ask leave to withdraw the amendment which I have offered and as a substitute for it, on page 11, line 8, after the word "pay," to insert:

Provided, That hereafter substitute clerks and substitute letter carriers at first-class post offices who have performed service equivalent to 313 days shall be appointed to the regular clerical or carrier force at the entrance-grade salary, $800.

Mr. BRYAN. I dislike to raise the point of order on the amendment. I asked the Senator from Washington to withdraw it, and he would not do it. I am not going to subject the conference to the delay of considering these matters. If there is any merit in them, they ought to have been submitted to the committee. It is too late now to come in and propose to send these amendments to conference. Of course, they come from people interested, and they hand them in here at the end of the consideration of the bill. It is not fair to the committee and it is not fair to the department. I raise the point of order that it is general legislation.

The PRESIDING OFFICER. Does the Senator from Washington wish to be heard on the point of order?

Mr. POINDEXTER. I submit the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order. The bill is still in the Senate and open to amendment. If there be no further amendment, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRYAN. I move that the Senate request a conference with the House on the bill and amendments, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. BANKHEAD, Mr. SMITH of South Carolina, and Mr. TOWNSEND conferees on the part of the Senate.

OFFENSES AGAINST THE GOVERNMENT.

Mr. OVERMAN. I ask that the Senate proceed with the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is Senate bill 8148.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8148) to define and punish espionage.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kenyon	Oliver	Smith, Mich.
Beckham	Kirby	Overman	Smith, S. C.
Brandegee	La Follette	Page	Smoot
Bryan	Lea, Tenn.	Penrose	Sterling
Catron	Lee, Md.	Pittman	Sutherland
Chamberlain	Lippitt	Poindexter	Swanson
Chilton	Lodge	Pomerene	Thomas
Clapp	McCumber	Ransdell	Thompson
Cummins	McLean	Reed	Townsend
du Pont	Martin, Va.	Robinson	Walsh
Fall	Martine, N. J.	Shafroth	Warren
Fernald	Myers	Sheppard	Watson
Gallinger	Nelson	Sherman	Weeks
Hitchcock	Norris	Shields	
James	O'Gorman	Smith, Ga.	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the bill (S. 7872) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House recedes from its disagreement to the amendment of the Senate No. 48 to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; recedes from its disagreement to the amendment of the Senate No. 111, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; further insists upon its disagreement to the remainder of the amendments of the Senate to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had ap-

pointed Mr. STEPHENS of Texas, Mr. CARTER of Oklahoma, and Mr. NORTON managers at the further conference on the part of the House.

CONSTRUCTION OF BATTLESHIPS (S. DOC. NO. 712).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the largest battleship which can be undertaken in the United States in the present state of the shipbuilding and engineering sciences and arts, which was referred to the Committee on Naval Affairs and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting supplemental schedules of papers and documents, and so forth, on the files of the Treasury Department which are not needed or useful in the transaction of the public business and have no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from New Jersey [Mr. MARTINE] and the Senator from Washington [Mr. JONES] as the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I have a telegram from the Holstein-Friesian Association of America, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BRATTLEBORO, VT., *February 15, 1917.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

The Holstein-Friesian Association of America, representing 100,000 owners and breeders of dairy cattle, protests against the passage of the amendment proposed by Senator UNDERWOOD raising the tax on oleo and removing all other restrictions, as it would work an irreparable injury to the dairy industry, and we deem the same as in the interests of the packers and cotton growers.

F. L. HOUGHTON, *Secretary.*

Mr. TOWNSEND presented a resolution adopted by the Chamber of Commerce of Battle Creek, Mich., favoring the construction and maintenance of Federal highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Common Council of Marshall, Mich., praying that an appropriation be made for the construction of a Federal building at that place, which was referred to the Committee on Public Buildings and Grounds.

Mr. PHELAN presented a petition of the board of directors of the Arrowhead Trails Association, of California, praying for the enactment of legislation for the construction and maintenance of Federal highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Navelencia, Cal., praying for the development and improvement of the national parks of the country, which was referred to the Committee on the Public Lands.

Mr. NELSON presented a resolution adopted at a meeting of the Brotherhood of Postal Clerks of Minneapolis, Minn., and a resolution adopted by the Order of Elks, of Mankato, Minn., favoring the action of the President in breaking off diplomatic relations with Germany and pledging their support, which were referred to the Committee on Foreign Relations.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 16 with the original thereof, as enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 9th day of February, A. D. 1917.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

Senate joint memorial 16.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Oregon, in legislative session assembled, respectfully represent that—

Whereas the people of the Pacific Coast States urgently request the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities and defense, such as supplying coast forts with guns and ammunition, the handling of artillery, ammunition, and mobilizing troops in the event of an invasion, and all other incidents appertaining thereto.

Wherefore your memorialists, the Senate and House of Representatives of the State of Oregon, earnestly petition and urge your honorable bodies that provision be made for the building and maintaining of such military roads.

The secretary of state is hereby directed to transmit a copy of this memorial to the presiding officer of the United States Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from the State of Oregon.

And your memorialists will ever pray.

Concurred in by the house February 7, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate February 1, 1917.

GUS C. MOSER,
President of the Senate.

(Indorsed:) Senate joint memorial No. 16, by Senator I. S. Smith. J. W. Cochran, chief clerk. Filed February 8, 1917, at 11.35 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3 with the original thereof, enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 10th day of February, A. D. 1917.

[SEAL.] BEN W. OLCOTT,
Secretary of State.

House joint memorial 3.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the House of Representatives of the State of Oregon, the Senate concurring, respectfully represent that—

Whereas there is now pending in the Congress of the United States a bill entitled "A bill to promote the reclamation of arid and swamp lands of the United States, and for other purposes" (Senate bill 7487), having for its purpose the reclamation of arid and swamp lands of the United States by cooperation between the Federal Government and irrigation and drainage districts of the States containing such lands; and

Whereas the passage of said bill by Congress would greatly inure to the benefit and advantage of the State of Oregon by providing a comprehensive and feasible method of reclamation for the large bodies of such lands within the State: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the Senate concurring), That the Legislative Assembly of the State of Oregon favor the enactment by Congress of Senate bill 7487, and to that end the Senators and Representatives in Congress of the United States from the State of Oregon are hereby urged to use their influence in behalf of the passage of said bill; and be it further

Resolved, That the secretary of state of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives from the State of Oregon in Congress.

Adopted by the house January 23, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate February 8, 1917.

GUS C. MOSER,
President of the Senate.

(Indorsed:) House joint memorial No. 3, by Mr. Laurgaard. W. F. Drager, chief clerk. Filed Feoruary 9, 1917, at 10.30 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

REPORTS OF COMMITTEES.

Mr. POMERENE, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 17350) to promote export trade, and for other purposes, reported it with amendments and submitted a report (No. 1056) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, reported it with amendments and submitted a report (No. 1057) thereon.

Mr. PENROSE, from the Committee on Finance, to which was referred the bill (S. 7998) for the conservation of alcohol in the manufacture of dealcoholized fermented beverages, reported it without amendment and submitted a report (No. 1058) thereon.

Mr. LODGE, from the Committee on Finance, to which was referred the bill (S. 7927) providing for the refund of duties collected on five traveling kitchens presented by citizens of Massachusetts to the Eighth Regiment Massachusetts Volunteer Militia and the First Regiment Field Artillery, Massachusetts Volunteer Militia, reported it with amendments and submitted a report (No. 1060) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 1567) granting an honorable discharge to Curtis V. Milliman, submitted an adverse report (No. 1062) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HOLLIS, from the Committee on the District of Columbia, to which was referred the bill (S. 7404) for the retirement of public-school teachers in the District of Columbia, reported it with amendments and submitted a report (No. 1064) thereon.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (S. 8259) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; and September 7, 1916, reported it without amendment and submitted a report (No. 1059) thereon.

STUART, LEWIS, GORDON & RUTHERFORD.

Mr. OWEN. On February 13 the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation, was received from the House of Representatives and it was referred to the Committee on Claims. The bill relates to a fee alleged to be due by an Indian tribe—the Creek Tribe of Indians—and I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs, where it properly belongs.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection?

Mr. SMOOT. I will ask the Senator if the bill is now on the calendar?

Mr. OWEN. No; it was referred to the Committee on Claims. It should have gone to the Committee on Indian Affairs, as it relates to an Indian question.

Mr. BRYAN. Mr. President, is the money to be paid out of Indian funds?

Mr. OWEN. Out of Indian funds; yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

MEREDITH G. CORLETT.

Mr. LODGE. From the Committee on Finance I report back favorably without amendment the bill (H. R. 12463) for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn., and I submit a report (No. 1063) thereon. It will take only a moment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to Meredith G. Corlett, of Williamson County, Tenn., the sum of $62.80, for and on account of excess payment made by him to the collector of internal revenue of the United States for the fifth district of Tennessee, as surety on the internal-revenue bond of J. W. Corlett.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 8265) granting an increase of pension to Lewis T. Holstin (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 8266) to amend section 4414 of the Revised Statutes of the United States relating to the appointment of local and assistant inspectors of steam vessels; to the Committee on Commerce.

By Mr. PENROSE:

A bill (S. 8267) granting the sum of $549.12 to Clara Kane, dependent foster parent, by reason of the death of William A. Yenser, late civil employee, killed as result of an accident at Philadelphia Navy Yard; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 8268) to amend an act of Congress of February 17, 1911, entitled "An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad"; to the Committee on Foreign Relations.

By Mr. O'GORMAN:

A bill (S. 8269) granting an increase of pension to Chauncy A. Cronk; to the Committee on Pensions.

By Mr. SWANSON:

A joint resolution (S. J. Res. 214) waiving age limit in case of Blair Wilson for admission to the United States Army as a second lieutenant; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CATRON submitted an amendment authorizing the President to appoint William Harold Kehoe and Clyde H. Altman, late cadets at the Military Academy at West Point, to the position of second lieutenant of Infantry in the Army, etc., intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment relative to the retirement of officers of the Philippine Scouts and Constabulary, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CATRON, it was

Ordered, That the papers accompanying the bill (S. 991, 61st Cong.) authorizing the appointment of Col. J. T. Kirkman, United States Army, retired, to the rank and grade of brigadier general on the retired list of the Army be withdrawn from the files of the Senate, no adverse report having been made thereon.

On motion of Mr. PENROSE, it was

Ordered, That the papers accompanying the bill (S. 2746, 64th Cong.) for the relief of John E. Frymier be withdrawn from the files of the Senate, no adverse report having been made thereon.

FIVE CIVILIZED TRIBES.

Mr. OWEN. Mr. President, I have received a duplicate copy of the annual report of the office of Superintendent for the Five Civilized Tribes of Indians for the fiscal year ended June 30, 1916. I ask that the report be referred to the Committee on Printing with a view to its being printed as a public document.

The VICE PRESIDENT. The report will be referred to the Committee on Printing.

COMMITTEE SERVICE.

Mr. KERN. Mr. President, I am authorized to announce the resignation of the senior Senator from Kansas [Mr. THOMPSON] from the Committee on Public Lands, and also the resignation of the junior Senator from Colorado [Mr. SHAFROTH] from the Committee to Audit and Control the Contingent Expenses of the Senate. Having announced the resignations, I ask the adoption of the order which I send to the desk.

The VICE PRESIDENT. The Secretary will read the order.

The order was read and agreed to, as follows:

Ordered,

1. That Senator THOMPSON, of Kansas, be appointed a member of the Committee to Audit and Control the Contingent Expenses of the Senate to fill the vacancy occasioned by the resignation of Senator SHAFROTH.

2. That Senator SHAFROTH, of Colorado, be appointed a member of the Committee on Public Lands to fill the vacancy occasioned by the resignation of Senator THOMPSON.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 15, 1917, approved and signed the following acts:

S. 1553. An act for the relief of Peter Kenney;

S. 2880. An act for the relief of Martin V. Parmer;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation;

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby;

S. 3743. An act to reimburse John Simpson;

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes;

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.;

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge, and approaches thereto, across the Mahoning River near the borough of Lowellville, in the county of Mahoning and State of Ohio; and

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county.

ARMY TRANSFERS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6850) authorizing the transfer of certain retired Army officers to the active list, which was, on page 1, line 13, after "Provided," to strike out all down to and including the word "retired," on page 2, line 1, and insert: "That such officers shall take rank at the foot of the respective grades which they held at the time of their retirement and."

Mr. CHAMBERLAIN. While the language of the amendment is not quite as it should be, I think there will be no difficulty in construing it. Therefore I move that the Senate concur in the House amendment.

The motion was agreed to.

PUBLIC-BUILDING SITE AT HONOLULU.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7872) to confirm and ratify the sale of the Federal Building site at Honolulu, Territory of Hawaii, and for other purposes, which were, on line 7, to strike out the parentheses; and on line 10, to strike out the parentheses.

Mr. WILLIAMS. The amendments of the House consist simply in striking out the parentheses. I move that the Senate concur in the amendments.

The motion was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title and referred to the Committee on Military Affairs.

JACOB B. MOORE.

Mr. OWEN. On February 13 there was received from the House of Representatives a bill (H. R. 14679) for the relief of Jacob B. Moore, and it was referred to the Committee on Claims. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma that the Committee on Claims be relieved from the further consideration of the bill named by him, and that it be referred to the Committee on Indian Affairs?

Mr. GALLINGER. Will the Senator from Oklahoma state the reason for the change?

Mr. OWEN. This is a claim against the tribal fund of the Chickasaw Tribe, and does not belong to the Committee on Claims. Under the practice it should go to the Committee on Indian Affairs, which deals with tribal funds.

Mr. GALLINGER. Does the Committee on Claims agree with the Senator from Oklahoma that the transfer ought to be made?

Mr. OWEN. I assume so. I do not know of any objection. The practice is that the Committee on Indian Affairs takes charge of claims against Indian tribal funds.

Mr. GALLINGER. Is this claim to be paid out of the tribal funds?

Mr. OWEN. Yes.

Mr. GALLINGER. Then, I have no objection.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

FARMERS AND MERCHANTS' BANK, HEADLAND, ALA.

Mr. THOMAS. From the Committee on Finance, I report back favorably without amendment the bill (H. R. 10823) for the relief of the Farmers and Merchants' Bank, of Headland, Ala., and I submit a report (No. 1061) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. OVERMAN. I give notice that hereafter I shall raise the point of order on the consideration of all these bills.

Mr. THOMAS. I have no interest in the bill, but I promised the Senator from Alabama that I would ask for its consideration. It is a House bill and refers to a very small item. If the Senator objects, of course it is all right.

The PRESIDING OFFICER. If made, the point of order will be sustained.

Mr. OVERMAN. I object.

Mr. THOMAS. The Senator from North Carolina does not object to the bill going to the calendar, I hope?

Mr. OVERMAN. No.

The PRESIDING OFFICER. The bill will be placed on the calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Kentucky, Mr. HILLIARD, and Mr. TINKHAM managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 703) to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure.

The message further announced that the House had agreed to a concurrent resolution authorizing the Secretary of the Senate, in the enrollment of the bill (S. 703) to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure, to strike out the word "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5, as the same appears in the conference report on the bill and amendment, in which it requested the concurrence of the Senate.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, the House has acted upon the report of the committee of conference on the vocational education bill (S. 703). I wish again to call the attention of the Senate to the fact that we have a print of the report which will easily enable any Senator to see just what changes have been made in the bill as passed by the Senate. The only important change we have made from the Senate action is to concede a board of control, not entirely of Cabinet officers, but adding three men—one the representative of manufacture and commerce, one the representative of agriculture, and one the representative of labor—who, together with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Commissioner of Education, shall constitute the board. That is the important concession that we have made to the House.

We have given up the provision that the Commissioner of Education should be the executive officer, and we have stricken out the provision requiring the board to select four specialists in the respective lines at certain-named salaries to take charge of the work.

I mention this in advance because I hope to-morrow to bring the report to the attention of the Senate and ask action on it.

OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment offered by the Senator from North Carolina [Mr. OVERMAN] on behalf of the Judiciary Committee.

Mr. OVERMAN. My motion is to strike out all after the enacting clause of Senate bill 8148 and to insert a substitute therefor.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In lieu of the bill it is proposed to insert the following:

CHAPTER I.

[S. 8148.]

To define and punish espionage, and for other purposes.

SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters, flies over, or induces or aids another to approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 6 of this chapter; or (b) whoever, for the purpose aforesaid, and without lawful authority, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reasonable ground to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not lawfully entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed; or (f) whoever, within the United States, sends by post, or otherwise, any letter or other document containing any matter written in any medium which is not visible unless subjected to heat, chemicals, or some other treatment, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or both.

Mr. HITCHCOCK. Mr. President, I should like to inquire whether or not these paragraphs are being adopted as we go along?

Mr. OVERMAN. No. I am merely having the substitute now read. When the reading of this chapter shall have been finished, I shall ask that it be passed over temporarily, in order that we may consider some other chapters as to which I understand there is no contention.

Mr. HITCHCOCK. I wanted to inquire especially about the paragraph which has just been read in reference to any one writing with invisible ink, and what that really means; what the provision is intended to cover.

Mr. OVERMAN. When we come to that I will explain it; but, I repeat, I am going to ask that this chapter be passed over temporarily. Later I will explain to the Senate what it means.

The reading of the substitute was resumed and continued to the end of chapter 1, as follows:

SEC. 2. (a) Whoever, having committed or attempted to commit any offense defined in the preceding section, communicates, delivers, or transmits, or attempts to, or aids or induces another to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years: *Provided*, That whoever shall violate the provisions of this paragraph of this section in time of war shall be imprisoned for life; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense or calculated to be, or which might be, directly or indirectly, useful to the enemy, shall be punished by death or by a fine of not less than $1,000 and by imprisonment for not more than 30 years; and (c) whoever, in time of war, in violation of regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than three years, or by both such fine and imprisonment.

SEC. 3. Whoever, in time of war, shall, by any means or in any manner, spread or make reports or statements, or convey any information, with intent to cause disaffection in or to interfere with the operations, or success of, the military or naval forces of the United States, or shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference, shall be punished by a fine of not more than $10,000 and by imprisonment for life or any period less than 30 years.

SEC. 4. If two or more persons conspire to violate the provisions of sections 2 or 3 of this chapter, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this chapter shall be punished as provided by section 37 of the act to codify, revise, and amend the penal laws of the United States approved March 4, 1909.

SEC. 5. Whoever harbors or conceals any person whom he knows, or has reasonable grounds for believing or suspecting to be a spy, or to have committed or to be about to commit an offense under this chapter, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or both.

SEC. 6. The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter, on the ground that information with respect thereto would be prejudicial to the national defense; he shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person (other than officers and employees of the United States duly authorized) shall be lawfully entitled within the meaning of this chapter: *Provided, however*, That nothing herein contained shall be deemed to limit the definition of such information within the meaning of this chapter to such designated matter, thing, or information.

SEC. 7. Nothing herein contained shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections 1342, 1343, and 1624 of the Revised Statutes.

SEC. 8. All offenses committed and all forfeitures or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by this chapter may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

SEC. 9. The provisions of this chapter shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this chapter when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the Territorial limits thereof shall be punishable hereunder.

SEC. 10. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this chapter committed within their respective districts or upon the high seas, and of conspiracies to commit such offenses, as defined by section 37 of the act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, and the provisions of said section for the purpose of this chapter are hereby extended to the Philippine Islands and to the Canal Zone.

SEC. 11. The act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, is hereby repealed.

Mr. OVERMAN. I ask unanimous consent that we consider the substitute by chapters, that this chapter be passed over for the present, and that the next chapter be read and considered.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Is there objection to the request of the Senator from North Carolina?

Mr. CUMMINS. I desire to make a suggestion, Mr. President. I think I have no objection to the course proposed by the Senator from North Carolina, but the Secretary has now read the first chapter, which is a distinct subject in itself. I am afraid by the time we return to it Senators will have forgotten what is in it.

Mr. OVERMAN. We can have it read at any time. I am trying to hasten the consideration of the bill as much as possible and to have it read by chapters.

Mr. CUMMINS. What is the present suggestion or motion?

Mr. OVERMAN. My present suggestion is that we consider the bill by chapters; that temporarily the first chapter be passed over and that we return to it.

Mr. CUMMINS. I have no objection to that course, although I do not know whether or not the Senator from North Carolina intends to ask for a vote by chapters. I do not understand how that could be done, and I do not think it could be done.

Mr. BRANDEGEE. Mr. President, I want to ask the Senator from North Carolina which print of the bill it is that is now before the Senate?

Mr. OVERMAN. The print of the bill which is now being read is a print which has been furnished by the Committee on the Judiciary. The Senator can get a copy of it. What is being read now is the substitute offered for Senate bill 8148, which has been reported from the Judiciary Committee.

Mr. BRANDEGEE. I have here the committee print of the neutrality bill, S. ——, and I also have Calendar No. 912, being Senate bill 8148, with the original bill stricken through and the amendments printed in italics. Which of these prints is the Senate now acting upon?

Mr. OVERMAN. The print, "Chapter 1, Senate bill 8148," is the substitute reported by the committee for the bill which was introducted; and chapter 2, if the Senator will notice, is the bill which was introduced by myself, which was referred to the Committee on the Judiciary, considered by them, reported back, and included in the substitute which is now offered.

Mr. BRANDEGEE. I do not know that I make myself clear. I suppose we are considering the committee's amendments to Senate bill 8148, which was regularly introduced, referred to the Committee on the Judiciary, and reported back with the recommendation of the committee to strike out all that is marked through and to insert what is printed in italics.

Mr. OVERMAN. The Senator will find that this substitute is exactly what the committee has reported, if he will examine it.

Mr. BRANDEGEE. I know; but why is not the question before the Senate the amendment of the committee reporting to strike out and insert?

Mr. OVERMAN. Because to that I have proposed these 14 bills, included in one, as a substitute for Senate bill 8148. Then, when it is adopted, if it is adopted, I will move to indefinitely postpone all the other bills, as they are all contained in this substitute.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that there were certain amendments proposed by the Judiciary Committee to Senate bill 8148, and that it is proposed now by this new bill to strike out the matter contained in the Senate bill and to substitute that which is contained in these chapters.

Mr. BRANDEGEE. Mr. President, I do not understand it, but I shall not interfere further.

Mr. SUTHERLAND. Mr. President, I think I can state it so that the Senator will understand it.

Mr. BRANDEGEE. I hope so.

Mr. SUTHERLAND. The Committee on the Judiciary has reported to the Senate 14 different bills out of 17 which were originally introduced. The first of those 14 bills is Senate bill 8148. The Senator from North Carolina has offered as a substitute for that bill the matter which is printed and to which the Senator has called attention, marked "Committee print," which includes not only the matter in Senate bill 8148 but also the matter contained in the other 13 bills. The object of that procedure is to facilitate consideration. Instead of having to take up each of these bills separately and consider them, if the Senate considers this substitute, then the whole 14 bills are before the Senate in the form of a substitute. The only purpose of proceeding in this way is to facilitate the consideration of the bill.

Mr. CUMMINS. Mr. President, I have no difficulty in understanding what the Senator from North Carolina has proposed by way of a substitute, but I have great difficulty in reaching any conclusion in respect to the action upon the substitute. It has to be considered by chapters. Now, a parliamentary inquiry. Suppose we consider chapter 2, what action can be taken upon chapter 2 as segregated from the remainder of the substitute?

Mr. OVERMAN. As I understand, if the Senate is agreeable, we will consider that as adopted; then we will go on to the third chapter, then the fourth chapter, and so forth. When these have been acted upon we will come back, having passed over chapter 1, and consider that, and when that is adopted the question will be whether we will adopt the entire substitute.

Mr. SMITH of Michigan. All being correlated.

Mr. OVERMAN. They are all correlated.

Mr. CUMMINS. No; they are not all correlated. They have no relation to each other.

Mr. OVERMAN. Whether they have any relation to each other or not, the Senator understands that each chapter will be considered and adopted, either with or without amendment, or not adopted, and when the whole bill has been gone through with in that way the substitute as an entirety will be open to amendment.

Mr. CUMMINS. So that there is really nothing accomplished by this procedure. The whole bill and every chapter will be open to amendment after we pass through it and informally approve it.

Mr. OVERMAN. Just as in the consideration of tariff bills; as the Senator will remember, we consider them by sections, adopting the sections as we go along, and then, of course, before the final passage of the bill the whole amendment is adopted.

Mr. CUMMINS. If it is thoroughly understood that we pass through these chapters to ascertain what objection there is, if any, to them; that after we have done that no formal action is to be taken; and that then the entire bill is open for amendment and consideration precisely as if we had not passed through the chapters, I have no objection whatever.

Mr. OVERMAN. That would be its natural parliamentary status anyhow.

Mr. NELSON. Mr. President, it seems to me that this matter is perfectly plain. Each one of these chapters is to be considered as a separate section of a bill. If we approve a given chapter as in Committee of the Whole, that is like adopting a section of any other bill as in Committee of the Whole, and when the bill passes from the Committee of the Whole further amendments can be offered to it.

Mr. CUMMINS. That is just what I asked the Senator from North Carolina, and I do not understand him to agree with the Senator from Minnesota. If we consider chapter 2, there will be no vote on it, but we will have a vote on the bill, as I understand.

Mr. NELSON. Certainly we can have a vote on it, as we can on a section of any other bill.

Mr. CUMMINS. I want that parliamentary procedure thoroughly understood and settled upon before I give my consent to the suggestion of the Senator from North Carolina.

Mr. BRANDEGEE. Mr. President, I have exactly the same thing in mind that the Senator from Iowa has. I think there ought to be a definite understanding before we give unanimous consent to a method of procedure which evidently is understood in different ways. If it is meant that if, for instance, we adopt chapter 2 as in Committee of the Whole, and that chapter is still open to further amendment as in Committee of the Whole after it is adopted and before the bill goes to the Senate, well and good; but if, when we adopt it, it is set aside and can not be further amended as in Committee of the Whole, I want to understand that.

Mr. SUTHERLAND. Mr. President, it seems to me that the parliamentary situation is a perfectly simple one. The matter the Senator from North Carolina has presented is offered as a substitute for Senate bill 8148. The question is whether it shall be adopted as a substitute. The substitute is open to amendment in any particular, either by adding to it or by striking from it any section or any chapter as we go along, in order to perfect the substitute before we vote upon it. So, as we go along, if the Senator from Iowa is dissatisfied with a chapter, he can move to strike that out, and if the motion prevails it goes out of the substitute. If the motion fails, the chapter remains in the bill, and we vote upon it in connection with the other provisions of the substitute when we reach that parliamentary stage, just the same as in the case of a substitute offered to any other bill.

Mr. BRANDEGEE. Mr. President——

Mr. SUTHERLAND. Just a moment. As I understand, the Senator from North Carolina proposes to consider his substitute by chapters. The Secretary has read chapter 1, and that has been laid aside for further consideration. Now we take up chapter 2, and that may be dealt with. If the Senator from Iowa objects to it, a motion can be made to strike it out or to amend it in any particular.

Mr. CUMMINS. What I have asked all the time is this: Suppose chapter 2 is read and no Senator has any objection to it and no amendment is offered to it, what happens then? What vote is taken upon chapter 2?

Mr. SUTHERLAND. No vote is then taken upon it.

Mr. CUMMINS. Therefore, when we pass all through the bill I can, if I like, in Committee of the Whole, offer an amendment to chapter 2?

Mr. SUTHERLAND. I should say so.

Mr. OVERMAN. Of course.

Mr. CUMMINS. That is what I want to understand.

Mr. OVERMAN. The Secretary is reading the substitute. Of course there will be a vote on it as in Committee of the Whole, and the substitute before it is finally acted upon can be amended.

Mr. BRANDEGEE. The whole difficulty, in my mind, arises from this: The Senator from North Carolina [Mr. OVERMAN] is asking for unanimous consent to adopt a certain method of procedure, and I understood him to ask that the different chapters be acted upon separately. The Senator from Utah [Mr. SUTHERLAND] does not state it in that way. He says that, as he understands the request of the Senator from North Carolina, the

Senate is to consider the chapters separately and then set them aside without action. I do not know which statement is correct.

Mr. OVERMAN. This is a substitute containing all the bills to which I have referred, each chapter being a separate bill. My idea was to ask unanimous consent to consider each chapter, to have it read, and if any Senator had an amendment to submit to it we would try it out, and then adopt that chapter subject, however, when the whole substitute comes to be voted on, to amendment as to the entire substitute.

Mr. CUMMINS. Any part of it?

Mr. OVERMAN. Of course.

Mr. BORAH. What is the necessity of pursuing any different course than we have pursued heretofore in connection with other bills? Here is a substitute offered for another bill, and why not proceed as usual, and if any Senator has objection when a particular provision is reached, let it go over temporarily and consider others?

Mr. OVERMAN. As there seems to be objection to the suggestion I have made, I will ask that the reading be resumed.

The PRESIDING OFFICER. The Secretary will resume the reading of the proposed substitute.

The Secretary read as follows:

CHAPTER II.

[S. 6813.]

To prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation.

SECTION 1. Whoever shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign Government, or of any officer or agent of any foreign Government, in relation to any dispute or controversy with the United States, or with a view or intent to defeat any measure of or action by the Government of the United States, in relation to such dispute or controversy, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. OVERMAN. Now, Mr. President, if there is no objection, I should like to have that chapter adopted.

Mr. STONE. Mr. President, before it is adopted I should like to ask the Senator why it is required that the statement referred to in the second line should be made under oath?

Mr. OVERMAN. It reads:

Whoever shall willfully and knowingly make any untrue statement, either orally or in writing, under oath—

I will read what the Attorney General says——

Mr. STONE. It does not say "or under oath," as the Senator reads it.

Mr. OVERMAN. No; it says "orally or in writing, under oath."

Mr. STONE. Yes; "orally or in writing, under oath," and made to influence the action of any foreign government with relation to a dispute between that government and the United States. Why confine it to a statement "under oath"?

Mr. BORAH. We would not want to punish a man for a mere verbal statement without any seriousness or any verity behind it.

Mr. STONE. Well, let us see. I read further from the provision:

Which the affiant has knowledge or reason to believe will or may be used to influence the measures or conduct of any foreign government—

And so forth.

If a statement is made not under oath but made for the purpose indicated, and which the person making it has reason to believe, and does believe, might influence the action of a foreign government unfavorably toward us with respect to some international dispute, it would seem immaterial to me whether it was sworn to or merely vouched for in a statement not sworn to.

Mr. BORAH. Mr. President, it seems to me the Senator would not want to punish, as this chapter provides for punishing, a man who should make a statement which might be calculated to influence a foreign government. It might take place under most unexpected circumstances. But if he goes and deliberately makes it under oath, it shows that there is back of it premeditation, as it were, or the purpose to affect the foreign government and to influence it. If you are going to spread it out to conversations and general statements, to debates and to newspaper publications, and so forth, of course the bill never could get through the Senate in the world.

Mr. NELSON. Mr. President, will the Senator from Missouri allow me to state a concrete case that this provision of law exactly fits? The Senator will recall the case of the sinking of the *Lusitania*. He will recall the fact that a man, whose name I can not recall——

Mr. OVERMAN. Wolf, I think.

Mr. NELSON. I am not sure about the name—made an affidavit that there were munitions and military supplies on board of the ship, and contraband of war, as an excuse for the Germans sinking that ship. It turned out afterwards that that was a falsehood, and my recollection is that he was convicted of perjury and punished for it. Now, this is to meet just such a concrete case as that.

Mr. STONE. Mr. President, so far as the purpose of this proposed law goes, that man should have been punished, if under the facts he deserved punishment, for making that statement in writing, even if it had not been verified, as much as and as well as if he had sworn to it. Possibly oral statements should be put upon a different basis, for the reason stated by the Senator from Idaho; but if a man deliberately writes a statement, whether he swears to it or not, there is as much deliberation in its preparation in the one instance as in the other, though perhaps not as much solemnity.

There is another question I should like to ask my friend from North Carolina as to this bill. Beginning with the second word of line 4 I read:

which the affiant has knowledge or reason to believe will or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, in relation to any dispute or controversy with the United States, or with a view or intent to defeat any measure of or action by the Government of the United States, in relation to such dispute—

And so forth. While we are proposing to punish a man for making a false statement calculated and intended to influence a foreign government with which we have a disputation, why should it not equally be made an offense for any man to make a statement under oath to unduly influence the Government of the United States, or the responsible officials of the United States, in the same direction?

Mr. OVERMAN. I think that is covered in another chapter.

Mr. BORAH. Well, I hope it is not. What would the Senator do with these editorials and periodical articles which are appearing every day?

Mr. STONE. Whether the falsehood be in an editorial or anything else, if a false statement is made intentionally, deliberately, with knowledge, and for the purpose of influencing the action of the public officials of the United States, and when the writer or publisher knows it to be false, he ought to be held to some accountability, so far as that may be possible under the Constitution.

Mr. SMITH of Michigan. Mr. President, take the case of the reported holding of our ambassador to Germany. It has been repeated over and over again until a great many people believe it to be true. I do not know whether there is any foundation for it or not. If there is no foundation for it, it certainly is a very great error on the part of some one.

Mr. STONE. It is worse than an error.

Mr. SMITH of Michigan. Would the Senator reach that class of offenders?

Mr. STONE. Yes; I would. If they knew—mind you, there must be knowledge—or had every reason to believe that it was false, and deliberately scattered a falsehood of that kind broadcast over the land, and especially among the responsible officials of the Government, to influence the action of this Government in its dealings with a foreign country with which we were having a dispute, I think they ought to be held amenable as well as if the purpose of the false statement should be to influence a foreign government against us.

Mr. SMITH of Michigan. That was not under oath, though.

Mr. BORAH. Mr. President, it is not to be presumed, of course, that these publications of which we speak would come technically within this rule; but every publication would be put upon its defense upon the simple question of whether or not, at the time the publication appeared, the writer of the article had knowledge of the falsity of the statement.

Mr. OVERMAN. All these sections cover that.

Mr. BORAH. And I think it would be a limitation which we would not want to put upon a discussion of these questions at this time, even if they are delicate questions.

Mr. OVERMAN. Mr. President, we have no law at all upon this subject now, as to false swearing. This applies only to verbal statements and false statements made, and it makes them a crime. We have no law at all upon the subject now. I note what the Attorney General says in his report:

At present no law exists under which false swearing intended to influence the Government in controversies with a foreign nation can be prosecuted. Unless the false swearer shall repeat his false statement in some grand jury or other judicial proceedings, so that he may be indicted for perjury, he may at present entirely escape punishment.

Mr. STONE. Mr. President, there is no shadow of doubt in the mind of any intelligent or fair-thinking man that there is

a cabal of great newspapers in this country working in a conspiracy to create a condition which they think may coerce the Government of the United States into an attitude of hostility to one of the belligerent powers.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I think the matter he is talking about will be covered in the first chapter of this bill, which I have passed over temporarily. All the matters that he is talking about now will come up in that part of the bill.

Mr. STONE. I am not arguing the matter especially with a view of offering any amendment, but I am saying what I do with a view to expressing my opinion, and putting it in the RECORD and before my colleagues of the Senate, that I believe that men who try unduly and by false statements to involve this country in the disasters of war are public enemies, no matter what their pretensions to virtue and patriotism; and that the publication or the mere making for public use in any way of bitter and venomous false statements, whether intended to influence the action of a foreign government or our own Government, ought to be curtailed, if not prohibited, as far as possible. I think the effect of the law ought to bear upon those who seek deliberately to mislead their own government as well as upon those who make statements intended to mislead the foreign Government with which we may have a dispute. It ought to work both ways, and in many respects it is more important that it should operate with respect to our own Government.

Mr. NELSON. Mr. President, will the Senator yield to me a moment? I want to call his attention to the last part of this provision, commencing in line 8:

Or with a view or intent to defeat any measure of or action by the Government of the United States.

So that it is not only a question as to the effect it has on the foreign power, but also as to the effect it has on the Government of the United States.

Mr. STONE. Well, "to defeat"; not to "initiate."

Mr. NELSON. "Or with a view or intent to defeat any measure of or action by the Government of the United States in relation to such dispute or controversy."

Mr. OVERMAN. I suppose, Mr. President, section 3 of the first chapter might cover that:

Whoever, in time of war, shall, by any means or in any manner——

Mr. LA FOLLETTE. That is in time of war, is it not?

Mr. OVERMAN. Yes; that is in time of war.

Mr. LA FOLLETTE. That is not what we are talking about.

Mr. OVERMAN. I think we have another section which covers it in time of peace.

The PRESIDING OFFICER. The Secretary will continue the reading of the proposed substitute.

The Secretary read as follows:

CHAPTER III.

[S. 6816.]

To prevent and punish the impersonation of officials of foreign governments duly accredited to the Government of the United States.

SECTION 1. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the Government of the United States, with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or said foreign government, or any officer thereof, any money, paper, document, or other valuable thing, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

CHAPTER IV.

[S. 6797.]

To regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof.

SECTION 1. Before a passport is issued to any person by, or under authority of, the United States, such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport.

SEC. 2. Whoever shall willfully and knowingly make any false statement in an application for passport or otherwise, with intent to induce or secure the issue of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any passport, the issue of which was secured in any way by reason of any false statement, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

SEC. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

Mr. OVERMAN. Mr. President, I desire to introduce two amendments that have been suggested to that chapter, and ask to have read a letter from the Attorney General on the subject.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 12, lines 4 and 5, it is proposed to strike out the words "a person authorized and empowered to administer oaths," and to insert in lieu thereof the following:

Such person as may be designated by the President or by the Secretary of State to administer such oaths.

Mr. SUTHERLAND. So that it will read how?

Mr. CUMMINS. Mr. President, I am very much opposed to that amendment.

Mr. OVERMAN. I ask that the letter of the Attorney General be read as to the two amendments.

The PRESIDING OFFICER. The Secretary will read the second amendment and the letter.

Mr. CUMMINS. Mr. President, just a moment. I should like to have the first amendment read again. I have the floor. Will the Secretary read the amendment again?

The SECRETARY. On page 12, lines 4 and 5, it is proposed to strike out the words "a person authorized and empowered to administer oaths," and to insert in lieu thereof "such person as may be designated by the President or by the Secretary of State to administer such oaths," so that the section if amended will read:

Before a passport is issued to any person by or under authority of the United States, such person shall subscribe to and submit a written application duly verified by his oath before such person as may be designated by the President or by the Secretary of State to administer such oaths—

And so forth.

Mr. CUMMINS. Mr. President, does the Senator from North Carolina prefer that the letter of the Attorney General shall be read before I state my objection?

Mr. OVERMAN. Yes; so that the Senator can understand what the Attorney General desires.

The Secretary proceeded to read the letter.

Mr. OVERMAN. Mr. President, as suggested by the Senator from Wisconsin [Mr. LA FOLLETTE], I am willing to let these amendments be printed and go over, and have the letter of the Attorney General printed in the RECORD, so that Senators will understand it.

The VICE PRESIDENT. The letter will be printed in the RECORD.

Mr. OVERMAN. I ask that the amendments may go over and that the letter and amendments may be printed in the RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The amendments and letter above referred to are as follows:

1. Page 12, lines 4 and 5, strike out "a person authorized and empowered to administer oaths" and insert in lieu thereof the following: "such persons as may be designated by the President or by the Secretary of State to administer such oaths."

2. Insert, at the end of section 1, on page 12, the following:

"Clerks of United States courts, agents of the Department of State, or other Federal officials authorized or who may be authorized to take passport applications and administer oaths thereon, shall collect for all services in connection therewith a fee of $1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 12, 1917.

Hon. C. A. CULBERSON,
Chairman Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The State Department has just presented to me two minor additions which it says are very essential to the bill originally S. 6797, now chapter 4 of the committee print neutrality bill, relative to passports.

1. To amend lines 4 and 5, page 12, so as to read as follows:

"His oath before such persons as may be designated by the President or by the Secretary of State to administer such oaths, which said application shall contain a true."

2. To insert, at the end of section 1, on page 12, the following:

"Clerks of United States courts, agents of the Department of State, or other Federal officials authorized or who may be authorized to take passport applications and administer oaths thereon, shall collect for all services in connection therewith a fee of $1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate."

The object of this addition is to clear up a situation which now exists. At present clerks of courts are the officials designated by the President, through the Secretary of State, to take passport applications and administer oaths. Under the present fee system there is a great variance in the practice of these clerks of courts, and many of them, it has been found, charge fees which are quite exorbitant, but which seem to be lawful under the present statutes. The fees charged, it has been found, have varied from $1.50 to about $6. The Chief of the Citizenship Bureau of the State Department and the Chief of the Division of Accounts in this department, both of which gentlemen have had long experience in these matters, have come to the conclusion that a fee of $1 is ample in such cases and that larger fees are or may be an unnecessary hardship on citizens applying for passports.

This is a matter which has been presented to my attention for the first time to-day, and was not considered by me or, apparently, by the State Department when the final draft of the bill on this subject was submitted to it.

Respectfully,

T. W. GREGORY,
Attorney General.

The Secretary resumed the reading of the proposed substitute, as follows:

SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not exceeding $2,000 or imprisoned not more than five years, or both.

SEC. 5. All offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in the same manner and with the same effect as if this act had not been passed.

CHAPTER V.

[S. 6798.]

To prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or government commission.

SECTION 1. Whoever, not being duly authorized and empowered so to do, shall fraudulently affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 2. Whoever shall falsely make, forge, counterfeit, mutilate or alter, or cause or procure to be made, forged, counterfeited, mutilated or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated or altered seal to or upon any certificate, instrument, commission, document or paper of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated or altered, shall be fined not more than $5,000 or imprisoned not more than 10 years, or both.

CHAPTER VI.

[S. 6815.]

To prevent and punish conspiracy to injure or destroy property situated within and belonging to a foreign Government with which the United States is at peace, or of any subdivision or municipality thereof.

SECTION 1. If two or more persons within the jurisdiction of the United States conspire to injure or destroy property situated within a foreign country, State, or Province with which the United States is at peace, when the offense designed to be committed in such foreign country constitutes a felony under the laws thereof, and when one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000 or imprisoned not more than two years, or both.

Mr. SUTHERLAND. Mr. President, I want to call attention to a provision in this chapter, for fear it may be overlooked hereafter. The language of it is, beginning on line 4:

When the offense designed to be committed in such foreign country constitutes a felony under the laws thereof.

A felony is one thing under the rules of the common law, and it may be an entirely different thing under the rules of law that prevail in other countries, as, for example, France, where there may not be such a thing as a felony. I do not know whether there is or not. We have statutes that define what shall constitute a felony. The statutes differ from the common-law definition. We have written into our own statutes, in the Criminal Code, a definition of a felony; so I think that the word "felony" is an unfortunate term to use here. I think we had better use the word "crime," so that it will read: "constitutes a crime under the laws thereof."

I make that suggestion for the consideration of the Senator in charge of the bill.

Mr. OVERMAN. I think that is right. I know that in England what constitutes a misdemeanor and what constitutes a felony is well defined in Blackstone, but I do not know about France and other countries. I have no idea what the law is there. I know what would be a felony in Great Britain; but what would be a felony in France I do not know.

Mr. SUTHERLAND. It may be a crime, but not a felony.

Mr. OVERMAN. Yes.

Mr. SUTHERLAND. I make that suggestion.

Mr. FLETCHER. Mr. President, I do not think it was intended to punish under this section conspiracies that involve every sort of crime. Under the laws of some countries what would be regarded as a crime might be of very little consequence. The word "crime" would involve merely the commission of some offense which was denounced as criminal. A felony is a specific thing, and if the laws of a country declare that a certain offense is a felony then it is easy to produce that law, and the whole question is settled. The word "crime" seems to me to be too general.

Mr. SUTHERLAND. I recognize the force of what the Senator says; but the difficulty is that there may not be such a thing as a felony under the laws of some foreign countries. We use the term to distinguish it from a misdemeanor. There may not be such a distinction at that. At any rate, if the word "crime" is not used I would put in some provision to the effect that it should be a crime punishable by imprisonment for more than a year, or something of that sort.

Mr. FLETCHER. I should think the term "crime punishable by imprisonment" would cover it. That would perhaps make it a little clearer than to make it simply "crime."

Mr. SUTHERLAND. Let me ask the Senator a question. Suppose this law is passed as it reads now, and a person should be charged with conspiring to injure or destroy property in France. Can the Senator tell us under the laws of France, whether or not any offense of that character would constitute a felony?

Mr. FLETCHER. I would not be able to say, of course, unless I examined the laws. I would have to refer to the laws.

Mr. SUTHERLAND. That is the difficulty.

Mr. NELSON. Mr. President, if the Senators will yield to me, I think the term "felony" is a term that is known only to the American and the English common law, or where the common law prevails; that in all the other countries, outside of the scope of the common law, they are under what you might call the Roman law. That is the basis of the law, modified in some countries, as in France, by the Code Napoleon. But they all have different terms by which they designate crimes; and the term "felony," as I understand, is not known in any criminal law of Continental Europe in the sense that we use it in American and English law. Hence, I think it would be wise to say "a crime punishable by imprisonment"; or you might say "by imprisonment of not less than one year."

Mr. SUTHERLAND. Yes.

Mr. FLETCHER. Why not say "crime punishable by imprisonment"?

Mr. NELSON. Well, that is sufficient.

Mr. SUTHERLAND. We have now defined, in the statutes of the United States, a felony as constituting a crime punishable by not less than a year's imprisonment. Prior to the writing of that definition in the Criminal Code, as the Senator knows, there was always a great deal of confusion in determining what constituted a felony. The court had to go back to the rules of the common law in order to determine whether or not the crime was a felony. But we have now made that simple definition in our statutes, and I am inclined to think we might simply write that definition into the law. Instead of using the term "felony," let it read "crime punishable by imprisonment for not less than one year."

Mr. OVERMAN. I think that is a very wise provision, and if the Senator will offer it now I will be glad to have him do so.

Mr. SUTHERLAND. I will offer it.

Mr. SMITH of Georgia. Is it not better to use the term "punished by imprisonment" than to put in a period?

Mr. SUTHERLAND. Very well; I will not insist on the other form.

Mr. SMITH of Georgia. There are a great many crimes and a broad latitude should be given to the judge to punish by imprisonment.

Mr. SUTHERLAND. I will present it in that form. I move to strike out "felony" and insert "crime punishable by imprisonment."

The SECRETARY. On page 17, line 6, strike out the word "felony" and insert "crime punishable by imprisonment."

The VICE PRESIDENT. The amendment will be agreed to, without objection.

The Secretary read as follows:

CHAPTER VII.

[S. 6799.]

To amend section 13 of the act "to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

SECTION 1. Section 13 of the act "to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be, and the same is hereby, amended so as to read as follows: Whoever within the territory or jurisdiction of the United States begins, or sets on foot or furnishes money, or provides or prepares the means for, or who takes part in any military or naval expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or State, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than $3,000 and imprisoned not more than three years.

Mr. CUMMINS. May I ask the Senator from North Carolina what cases are intended to be reached by this chapter that are not covered by the existing law? On a comparison I find that the only difference between the chapter and the existing law is the introduction of the phrase "or furnishes money."

Mr. SUTHERLAND. If the Senator will permit me, it amplifies it by inserting the word "naval." The word naval is added where the law simply says "set on foot or takes part in any military expedition." I do not myself see that it is necessary.

Mr. CUMMINS. Is not a naval expedition a military expedition?

Mr. SUTHERLAND. I think so, but the Attorney General seems to think it is necessary to use that word, and I see no objection to it.

Mr. CUMMINS. I care nothing about that, but the words "or furnishes money" are inserted, as I remember. I can not see the occasion for them, unless they are intended to embrace something that I can not favor.

Mr. OVERMAN. The Attorney General says:

It is desirable that contribution of money for such unlawful expeditions or enterprises should be made illegal in express terms, although it is probably included within the meaning of "provides or prepares the means for" in the present statute.

Those are the only words added, and they ought to be added. The law ought to be more explicit.

Mr. CUMMINS. Does the Senator from North Carolina think the words "provides or prepares the means for" do not cover the furnishing of money?

Mr. SUTHERLAND. That language is already in the law.

Mr. CUMMINS. Not the words "furnishes money."

Mr. SUTHERLAND. The words "or provides or prepares the means for" are in the law.

Mr. CUMMINS. I say they cover the furnishing of money, and I wondered——

Mr. OVERMAN. The Attorney General says, further, that he wants to make it more specific; that there might be some doubt in the court as to whether the furnishing of money was included or not.

Mr. SUTHERLAND. The language which is added is "or who takes part in any military or naval expedition."

Mr. SHIELDS. The most serious objection I see is its generality. This is a very broad statute:

Whoever within the territory or jurisdiction of the United States begins, or sets on foot, or furnishes money, or provides or prepares the means for, or who takes part—

It is emphasized by the latter provision—

or who takes part in any military or naval expedition or enterprise to be carried on from thence—

And so forth. One may furnish money or means for an expedition of this kind without knowing it. The word "knowingly" ought to there, so as to read:

Whoever within the territory or jurisdiction of the United States begins, or sets on foot, or knowingly furnishes money, or provides—

And so forth.

Mr. CUMMINS. That is not the thought I had in mind. Anyone who furnishes money in the course of preparation for an enterprise carried on in a foreign country would already be guilty under the statute. Anyone who furnishes money no matter whether he knows it is to be used in such an enterprise or not becomes guilty.

Mr. SHIELDS. And might be convicted under this statute?

Mr. CUMMINS. Yes.

Mr. SHIELDS. I move that the word "knowingly" be inserted.

Mr. OVERMAN. Inserted where?

Mr. SHIELDS. In line 6, after the word "or," where it first appears in that line, and before the word "furnishes."

Mr. OVERMAN. The Senator proposes a limitation that is not in the original statute of which this is amendatory.

Mr. SHIELDS. Then it ought to have been in the original statute.

Mr. OVERMAN. That has been the law for a long time.

Mr. SUTHERLAND. I suggest to the Senator from Tennessee that that has been the form of the statute for a hundred years and no unjust result has flown from it. I would hesitate to make changes in these statutes that have been on the books so long and that have been administered.

Mr. SHIELDS. I understand from the Senator from Iowa that the phrase "furnishes money" is not in the original statute.

Mr. SUTHERLAND. No.

Mr. CUMMINS. That is not in the statute. The wording is entirely new and intended, of course, to cover some different cases.

Mr. OVERMAN. The only words added are "furnishes money." The original statute is amended by adding the word "naval" and the words "furnishes money," that is all.

Mr. SUTHERLAND. Let the word "knowingly" then simply qualify the phrase, so as to read "or knowingly furnishes money."

Mr. CUMMINS. That is the amendment, I understand, of the Senator from Tennessee.

Mr. SUTHERLAND. I think that would not be objectionable.

Mr. SHIELDS. The amendment I offered was to place the word "knowingly" before the word "furnishes," so as to read "knowingly furnishes money."

The SECRETARY. On page 18, line 6, before the word "furnishes," insert the word "knowingly," so as to read "or sets on foot or knowingly furnishes money."

The amendment was agreed to.

The Secretary read as follows:

CHAPTER VIII.

[S. 6812.]

To regulate and restrain the conduct and movements of interned soldiers and sailors of belligerent nations, and for other purposes.

SECTION 1. Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct.

SEC. 2. Whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. CUMMINS. Before passing from this chapter I should like a little information from the Senator from North Carolina. I do not know just what the status of a soldier or a sailor or anyone belonging to the armed land or naval forces of a belligerent nation in our country is. Is he under arrest? Is he limited to a particular place? Are his movements controlled by some law of our own country or by the law of nations? I ask these questions because I have not had time to examine the subject and I do not know.

Mr. OVERMAN. There is no rule of international law on this subject. The Attorney General says:

Under the rules of international law, a belligerent warship and its crew is required to intern in the port of a neutral nation under certain circumstances. There is no present statute which prevents a breach of the internment or escape of the crew.

Mr. CUMMINS. It seems to me that we are preparing the way here for a possible act of war. We are making it a criminal offense for any soldier or sailor of a belligerent who happens to be interned in our country, and I do not know just what that means, to leave the limits of the internment; and we are providing that if he does leave these limits he may be arrested by a marshal or by military authority, returned to the place of his internment and kept there just as long as the official in charge shall direct, whether that be 10 minutes or 10 years. There is no limit to the authority here conferred. I can not speak about the matter with very much certainty because I do not know what the status of such a person is in the United States, but I do know that we ought not to authorize a marshal or an officer of our Army to violate international law or a treaty that we may have with the nation of which the soldier or the sailor is a subject or a citizen.

I will be very glad if some one who is familiar with these things will tell the Senate what the status is and by what law the so-called interned sailors and soldiers are controlled. I do not want to give a deputy marshal or a military officer power to abrogate all our treaties and commit an act of war.

Mr. SMITH of Georgia. I can not say that I am thoroughly familiar with the subject, but my understanding is that an interned armed vessel covered by this provision, under the rules of international law and by all our treaties, is limited as to the length of time within which it can leave, and having stayed that length of time and having abandoned the purpose to leave, the right to leave ceases.

Mr. CUMMINS. What, then, becomes of the persons on board the boat? Are they under arrest? Are they prisoners of the United States after that time?

Mr. HUGHES. Does the Senator from Iowa mean the members of the military or naval forces of the belligerents?

Mr. CUMMINS. That is what I mean.

Mr. HUGHES. There are two classes of interned men in this country. There are those men connected with the steamship lines——

Mr. CUMMINS. They are not interned at all.

Mr. HUGHES. As to the others, I can only say to the Senator that frequently during the course of the European war men belonging to the various belligerents have been forced over the boundary line of other nations, and in that case they immediately become prisoners of war of that neutral nation. One or two cases have occurred where those men escaped. One very noted case was that of an aviator. His friends arranged a very elaborate scheme to escape and enabled him to get to Paris, and thereupon the French Government immediately had him returned and committed to the jurisdiction and control of the neutral government from which he had escaped.

I should say in answer to the Senator's question that the interned are the men from the military or naval forces of any of those belligerents who come into this country, take refuge in this country, and the men who escape must be held as prisoners of war.

Mr. CUMMINS. I assume it must mean, so far as Europe is concerned, an armed ship in one of our harbors which is interned remaining there during the hostilities. Now, what is the status of the men on board?

Mr. SMITH of Georgia. The United States Government, as I understand it, gives them protection, and in return for that right assumes the responsibility of retaining them until the war is over?

Mr. CUMMINS. Retaining them where?

Mr. SMITH of Georgia. In the United States.

Mr. CUMMINS. In the penitentiary?

Mr. SMITH of Georgia. Oh, no.

Mr. CUMMINS. Why not?

Mr. SMITH of Georgia. I do not think so, because they have committed no crime.

Mr. OVERMAN. I do not think so. I think they are required to be kept on the ship.

Mr. CUMMINS. That is what I was trying to find out.

Mr. OVERMAN. And they are to be returned, as this statute provides, to the ship and safely kept there.

Mr. CUMMINS. It does not say so.

Mr. FALL. I think the Senator will find they can be incarcerated at any point, in the discretion of the Executive of this Government and the military authorities of the Government, if it be deemed necessary to incarcerate them. There have been a great many thousand men interned in the United States within the last two years. Some of them have been kept in prison; some of them have been put in jail; some have been placed in stockades; and some have been paroled. A majority of the Germans who were interned upon warships that sought refuge in our harbors and held as prisoners of war have been paroled, we becoming responsible to the other belligerent Governments for their safe-keeping.

Mr. WILLIAMS. Paroled officers, if the officer is willing to take the parole.

Mr. OVERMAN. In the case referred to by the Senator from Iowa, the bill provides that they—

> shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct.

That is the case I suppose of interned warships and sailors.

Mr. CUMMINS. I move to strike out the words "for such period of time as the official in charge shall direct."

Mr. OVERMAN. Leaving it indefinite as to how long they shall be kept?

Mr. CUMMINS. Oh, no. Leaving the President of the United States to say when they shall be released. Suppose the war ends, may the official in charge still keep them?

Mr. OVERMAN. I do not think he would keep them.

Mr. CUMMINS. He might not, but I see no reason for giving him the power after that time to keep them.

Mr. NELSON. Will the Senator allow me to suggest that the internment naturally expires when the ground for which they were interned ceases to exist. They were interned because of the existence of war and because they have come into our harbor. When the war condition ceases the ground for their internment ceases and they are entitled to their liberty.

Mr. CUMMINS. That is the very reason I have offered the amendment. I want the term of their confinement to be determined at least by the event of the war and not by the will of the official.

Mr. NELSON. You simply move to strike out those words and insert nothing in their place?

Mr. CUMMINS. It would then read "shall be returned to the place of internment and there confined."

Mr. NELSON. That is indefinite.

Mr. CUMMINS. That is definite enough, is it not?

Mr. OVERMAN. They can only be interned until the President or official in charge shall direct that they shall be discharged.

Mr. CUMMINS. Do you want the official in charge to determine how long they shall be kept?

Mr. OVERMAN. They can not keep them after the war.

Mr. CUMMINS. How do you know? Of course, I know he would not, but why give him any authority to do it?

Mr. FLETCHER. The only official in charge is acting under superior authority. He could not do it unless his superior authority ordered him to keep them. You have got to have some margin as to the length of time they will be kept there or what will terminate the right to their confinement. "Official in charge" is rather indefinite I admit, but it seems to me that it is about the only way you can express it. Of course, the official in charge is acting under higher authority, and when his superior authority ceases to hold them and the cause of their being retained disappears he must give the order for their release.

Mr. CUMMINS. Of course it may not be very important. This whole series of bills is full of attempts to enlarge the power of inferior and subordinate officials.

Mr. FALL. I think, Mr. President, the meaning of this section is that it applies to the attempt to violate their parole by interned prisoners. For instance, when a ship's crew, we will say a German ship's crew, for example, in this country is interned in a certain place, there are certain privileges granted to them under their parole; that they must report at certain times or that they must not go beyond certain limits or that they must not attempt to return to Germany. In the event of a violation of that parole under this section it is the privilege of the officer having charge of those interned to direct the United States marshal or other official to arrest any paroled prisoner violating his parole and to return him to the place of internment, and there the officer who has charge of the interned prisoners can lock him up if necessary. He has the power, in the first place, to confine him in any way necessary to prevent his escape. Having violated his parole, he is brought back there, and he is placed in safe keeping, even if it is necessary to lock him up, and he is kept there until the term of internment expires by the ordinary rules in the event it is necessary.

Mr. CUMMINS. I so understand it; and therefore there is no possible use of the last clause. They are interned, and they escape. Now, no matter whether they have been paroled or not, they escape, and the marshal or other officer arrests them and brings them back. When they are returned, they have the status which they originally had, and no other.

Mr. FALL. They are punished for the violation of their parole by confinement for such period within the terms of their internment as the officer in charge may think necessary; in other words, they may be punished by 5 or 10 days' close confinement.

Mr. CUMMINS. It is just that power that I am not willing to give the officer in charge.

Mr. HUGHES. Mr. President, would this language meet the objection of the Senator from Iowa: Instead of striking out the words suggested by the Senator leave them in down to the word "direct," in line 13, and add "or during the period of internment," so that it would read:

> And shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct, or during the period of internment.

I think that would meet the Senator's contention.

Mr. CUMMINS. It would not entirely meet it. My idea is that we are dealing with foreign people; they are interned in our country. It has been said they are prisoners of war, and I am willing to accept that, although I do not think they are exactly "prisoners of war." They are allowed certain liberties, certain movements. One of them violates the privilege that has been accorded to him and escapes; and the marshal or the officer of the Army or of the Navy arrests him and brings him back. There he is again in the place of internment. What we are trying to do is to give the official who happens to be in charge of that place of confinement or internment the power to punish such a man in any way that he sees fit, without any review or appeal or hearing.

Mr. OVERMAN. How punish him? I do not understand how the language gives the officer any authority to punish the prisoner.

Mr. CUMMINS. The Senator from New Mexico [Mr. FALL] has just said that you could put the prisoner in a cell to punish him for escaping.

Mr. OVERMAN. No.

Mr. CUMMINS. I think the officer could easily enough do so under this language. I am not so solicitous about these for-

eigners so far as the humanities are concerned; I am not speaking especially for them——

Mr. OVERMAN. I would not consent to that.

Mr. CUMMINS. Although I think it is somewhat uncivilized; but I am concerned in giving power to a subordinate official to commit an act upon a foreign citizen that may be cause for war. That ought not to be done.

Mr. OVERMAN. I do not see any language in the bill that will allow the official to punish anyone because it authorizes him to keep him safely confined for a period of time. Of course, when the war is over, the official can not keep him any longer.

Mr. CUMMINS. The language is, "and there confined and safely kept." How confined?

Mr. OVERMAN. Sufficiently confined to keep him from running away again; that is all.

Mr. CUMMINS. If it is necessary the officer could put him on bread and water and keep him in solitary confinement.

Mr. OVERMAN. I do not think so.

Mr. CUMMINS. It does not say that, but the language is very indefinite.

Mr. OVERMAN. Any officer doing that would himself be subject to being indicted and imprisoned.

Mr. CUMMINS. It is unnecessary to offend the civilized sense of the world in that way, and why should we do it? When we capture a man and bring him back into the place of internment and keep him there——

Mr. OVERMAN. That is all that is authorized.

Mr. WILLIAMS. That is all it says.

Mr. CUMMINS. I do not agree with the Senator from Mississippi upon that.

Mr. NELSON. Mr. President, if the Senator will allow me, the original bill contained the words "closely confined." In the committee we struck out that language, so that it simply means now that the prisoner shall be taken back and confined as he was before, and nothing more.

Mr. BORAH. What would you do with him after you took him back if you did not confine him?

Mr. SMITH of Georgia. I wish to ask the Senator from Iowa what he would think of adding after the word "direct" the words "subject to the approval of the Secretary of the Navy"; so that any such action must be reported to the Secretary of the Navy and must receive the approval of a Cabinet officer, thereby putting under the supervision of a Cabinet officer any treatment that these foreigners might receive?

Mr. FALL. Mr. President, these matters with reference to the treatment of interned prisoners are all covered by the ordinary rules of nations in times of war, and this Government owes a duty not only to the prisoners themselves who are interned but it owes a duty to the belligerents on the other side to see that such prisoners are safely kept.

This Government, if it thinks it necessary, can, in the first place, order interned soldiers or sailors to be closely confined anywhere that it pleases to put them, which the Government thinks is necessary for their safekeeping. Of course, we are supposed to treat them as civilized human beings. In the event that in our discretion we allow these interned soldiers or sailors to be paroled and to be given certain liberties within a certain district upon their word of honor or upon their oath that they will not violate our good treatment, and they do violate it, this simply provides that they may be returned and, in the discretion of the officer having charge of them, that they may be safely kept, he may use such means as are necessary to safely keep them, even if it be incarcerating them in the penitentiary.

Mr. WILLIAMS. Mr. President, it is always well to ask the why of things, in order to determine how far you ought to go. If it were not for this very principle of international law involved here, no neutral country could ever remain neutral in war at all, because the losing belligerent could just cross the border and reorganize, remobilize, rearm, and return to the scene. If they could do that, the successful belligerent would have the right to follow them into the neutral country. To prevent that the law of nations provides that when one of the belligerents shall retreat into a neutral country, then it shall become the duty of the neutral country to prevent them leaving and participating in the war again. The reason of it is that, in consideration of it, the successful belligerent surrenders the right to follow the defeated enemy into a neutral country, and the consideration paid by the neutral country is that it shall keep them until the expiration of hostilities. But for that principle of law, applying it now to the high seas—I have illustrated it on land—one fleet might be following another, and the defeated fleet might take refuge in a harbor of the United States. If it had a right to take refuge there and subsequently come out again, perhaps refitted and equipped, then the other fleet would have a right to follow it into the harbor, and we would have naval battle between other peoples engaged in a war in which we were not concerned in a United States harbor and within our 3-mile jurisdiction. It is to avoid that that this rule of nations has been established and universally recognized and is maintained. The neutral is under international obligation to receive and keep and hold until the end of a war the armed forces of a belligerent fleeing to its territory or harbors.

The language of the proposed act is:

Shall be returned to the place of internment, and there confined and safely kept for such period of time as the official in charge shall direct.

The Senator from Iowa [Mr. CUMMINS] imagines he can get out of that language that they—the interned belligerents—are in danger to "be put on bread and water." That would be a violation of The Hague conventions and all of the agreements among nations and all of the international law of the world. Nor does the language say anything from which that could be inferred. They shall be "confined and safely kept"; that is all. You do not have to give a man bread and water to safely keep him. You may keep him as safely on beefsteak, if you put him in a place whence he can not escape.

If there is any doubt about it at all it is that somebody might think that we might exceed the proper period of internment, which is the period of hostilities. As a matter of fact, we would not; but if anybody has that sort of a notion it would be well to put after the word "direct" the words "during the period of internment," or "so long as hostilities shall endure."

Mr. CUMMINS. Mr. President, if I may interrupt the Senator, that would make it very much worse, because this is intended, as I now find out—I did not know that until we got into the discussion—to give the official in charge the authority to punish the man who has gone beyond the limits of the place of internment.

Mr. WILLIAMS. If reconfinement and safe-keeping may be called punishment, yes; but no other punishment.

Mr. CUMMINS. Not reconfinement—"confinement."

Mr. WILLIAMS. He was confined before, was he not?

Mr. CUMMINS. Yes; he was.

Mr. WILLIAMS. And if he is confined again it is reconfinement, is it not?

Mr. CUMMINS. No; it is not. When they are originally interned, I take it, they are allowed some liberty of movement; they are interned in a place, and not in a jail; but if one of them violates his privilege, then he is arrested and brought back and the official in charge of that place of internment can then punish him for that violation by confining him, I take it, in some other way than he was originally confined, and safely keeping him.

Mr. WILLIAMS. The official would have to keep him more carefully than at first, else he would escape again. That much is true. As a rule, in the case of sailors the place of internment is their ship, and unless they grossly abused the privilege that would remain their place of internment. Of course, the Government could designate a different place, but for sailors the place of internment is generally a ship, while for an Army it is usually a camp, just as the Belgians now interned in Holland have a camp which is guarded by Dutch troops and from which they can not escape, and if any one of them did escape he would be brought back, and, I suppose, would be put in some closer confinement; but that is all. He could not be punished in any sense except in the sense that a closer and more careful and safer confinement might be called a punishment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 19, lines 12 and 13, it is proposed to strike out the words "for such period of time as the official in charge shall direct."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The Secretary read as follows:

CHAPTER IX.

[S. 6811.]

To authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained.

SECTION 1. Whenever, under any authority vested in him by law, the President of the United States by proclamation, or otherwise, shall forbid the shipment or exportation of arms or munitions of war from the United States to any other country, or whenever there shall be good cause to believe that any arms or munitions of war are being, or are intended to be employed or exported in connection with a military expedition or enterprise forbidden by section 13 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," the several collectors, naval officers, surveyors and inspectors of customs, the marshals and deputy marshals of

the United States, and every other person duly authorized for the purpose by the President may seize and detain any arms or munitions of war about to be so exported or employed, and the vessels or vehicles containing the same, and retain possession thereof until released, or disposed of as hereinafter directed.

SEC. 2. It shall be the duty of the person or persons making any seizure under this chapter to apply, with due diligence, to the judge of the district court of the United States for the district within which any such seizure is made, for a warrant to justify the further detention of the property so seized; which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being, or is intended to be, exported, used, or employed in the manner or for the purpose prohibited by section 1 of this chapter; and if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure within a reasonable time, not exceeding 10 days after such seizure, the said property shall forthwith be restored to the owner or person from whom seized. If the said judge shall be satisfied that the seizure was justified under the provisions of this chapter, and issue his warrant accordingly, then the property shall be detained by the person seizing it, until the President, who is hereby expressly authorized so to do, shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law on petition of the claimant or on trial of condemnation proceedings, as hereinafter provided.

SEC. 3. The owner or claimant of any property seized under this chapter may file his petition in the district court of the United States for the district in which such seizure was made, setting forth the facts in the case; whereupon said court shall advance said cause for hearing and determination, with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making such seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner, or retained by the person who seized the same.

SEC. 4. Whenever the person making any seizure under this chapter shall have applied for and obtained a warrant for the detention of the property, and the owner or claimant shall have filed a petition for its restoration as provided in this chapter, and upon the hearing and determination of said petition restoration shall have been denied, or where such owner or claimant shall have failed to file a petition for restoration within 30 days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court against said property for condemnation, and if after trial and hearing of the issues involved the property shall be condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, shall be paid into the Treasury of the United States.

SEC. 5. The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this chapter, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof.

SEC. 6. Except in those cases in which the exportation of arms and munitions of war is forbidden by proclamation or otherwise by the President, as provided in section 1 of this chapter, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place whatsoever, or with any other trade which might have been lawfully carried on before the passage of this chapter, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

SEC. 7. Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this chapter.

SEC. 8. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

Mr. CUMMINS. Mr. President, I offer the amendment to section 8 which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to section 8 the following:

Provided, That this shall not authorize the use of such forces at a time or in a manner that would make their employment an act of war.

Mr. FLETCHER. Mr. President, where is that to be added?

Mr. CUMMINS. To section 8.

Mr. FLETCHER. At the end of that section?

Mr. CUMMINS. At the end of that section.

Mr. President, I have no objection to the use of the Army and Navy in the execution of our laws, if they are not used in such a manner as to constitute an act of war. Before our military forces are used in that way I think Congress ought to give authority for doing it. The Constitution has very wisely reserved to Congress the exclusive authority to declare war; and I am not willing to give the President, by general language, the right to use our military forces in such a way as would be an act of war. This, though not in terms, not technically, would in fact be a declaration of war.

Mr. STERLING. Mr. President, does not the Senator think that the words "as shall be necessary to carry out the purposes of this chapter" limit the power of the President and restrict him to such uses of the land and naval forces?

Mr. CUMMINS. I do not, because if the arms and munitions were on a foreign ship and our Navy were used to capture the foreign ship, and the President were authorized to use the Navy under such circumstances, that would be carrying out the purposes of the chapter; and I do not want, myself, to give the President the power to use our armed forces to capture the ship of a foreign nation under such circumstances as would make the capture an act of war. That is all my amendment protects us from.

Mr. OVERMAN. Mr. President, the language which is used in this law is exactly the same language that was used in the former statute that was passed during our late unpleasantness with Spain. The President was authorized in a joint resolution passed in 1898 to seize munitions of war; and just the same language is used here that was used there. I do not see how any act of war could be committed by the President in seizing these munitions. Of course, I am as much opposed as anybody to the President having the power, either directly or indirectly, to declare war.

Mr. CUMMINS. Of course, the act to which the Senator refers was a temporary act.

Mr. OVERMAN. Yes; it expired in two years.

Mr. CUMMINS. And it applied to war. This act does not apply to a state of war at all. It applies to peace as well as war; and under it a friendly nation might find its ships seized by one of our naval vessels.

Mr. SMITH of Michigan. Or its citizens.

Mr. CUMMINS. Or, of course, its citizens.

Mr. OVERMAN. Suppose you should limit the President; what would be done?

Mr. CUMMINS. I only exclude the President from those circumstances in which to use the Army and Navy would be an act of war.

Mr. OVERMAN. If he had to seize these munitions, if it was his duty to do so, would he have to call Congress together and get resolutions passed to allow him to make the seizure when he has to seize the munitions to-morrow or the next day? Would he have to come to Congress to get authority?

Mr. CUMMINS. The Senator from North Carolina hardly carries out his first assurance. He said he did not want the President to commit an act of war. That is all that I am protecting the country against. I do not think the President ought to take our fleet and capture a merchant fleet of a friendly nation because that fleet might be transporting munitions of war against a proclamation of embargo. I think that before we are plunged into war Congress ought to act, and my whole proposition is to preserve to Congress that constitutional authority.

Mr. STERLING. Mr. President, I do not believe that a seizure under the circumstances stated by the Senator from Iowa could be interpreted as being an act of war. That act would not be conceived in any hostility at all toward the nation from whose vessel the arms and munitions might be taken. It would not be construed to be an act of war.

Mr. FLETCHER. Mr. President, may I ask to have the amendment stated again?

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 24, line 24, after the word "chapter" and before the period, it is proposed to insert a colon and the following proviso:

Provided, That this shall not authorize the use of such forces at a time or in a manner that would make their employment an act of war.

Mr. CUMMINS. Upon that amendment I ask for the yeas and nays.

Mr. OVERMAN. Mr. President, I do not want to have the yeas and nays called now. I doubt whether we have a quorum. Just let it be put to a viva voce vote. I think it will be carried.

Mr. CUMMINS. No. I believe in this amendment, and I believe it is vital. I am not going to be rushed off my feet by the hysteria that seems to be in the atmosphere.

Mr. SMITH of Georgia. Just accept it.

Mr. CUMMINS. If it is accepted, very well.

Mr. OVERMAN. I say just put it to a vote.

Mr. CUMMINS. Very well. I am perfectly willing to do that, if it is understood that it is to be carried.

Mr. FALL. Mr. President, it is not so understood with me, because I shall very vigorously vote against it and protest against it.

Mr. OVERMAN. I was ready to have a vote taken, but I did not want the yeas and nays called.

Mr. FLETCHER. I suggest that the matter be passed over for the present, and taken up again before we——

Mr. FALL. If it is open for discussion, I want to be heard on it.

Mr. OVERMAN. It is open for discussion. Let us go on and discuss the question.

Mr. FLETCHER. It is very important to finish these bills. We have appropriation bills and the revenue bill to be considered.

Mr. FALL. Mr. President, this is a general subject that is being dealt with in this chapter; and the section which is objected to gives the President of the United States the authority to enforce the law on this general subject. If he does not have any such authority, there is nothing at all to be gained by dealing with the subject generally. From the very fact of his being empowered to use the land and naval forces to enforce the law of the United States here, I can not conceive how he could use them so as not to give an opportunity for any other nation to declare war if it wanted to do so. A declaration of war may be founded on nothing. An act of war may be committed by a neutral; but it does not follow that the act of war should be followed by a declaration of war even upon the part of a neutral.

The whole object of this is to preserve the neutrality of the United States. There are some portions of these consolidated bills, if I may call them such, of which I do not approve, and some portions of them of which I do approve. It has been known for years, Mr. President, that the neutrality of the United States were absolutely defective. It has been well known that they should have been codified and improved to keep up with the times, with the course of nations, with the declaration of London, with the agreements of The Hague tribunal, with the modern rules of law as modified, and that we have not done so.

The very statute of 1912 to which the Senator calls attention followed an old law or resolution which was adopted at the time of the Spanish War, which was not a neutrality statute at all, and still it is called a neutrality statute. Upon that we built in 1912, again, another portion of the neutrality law. The act upon which this resolution of 1912 is based, instead of being a neutrality statute, was a war measure for the protection of the United States, then at war with Spain. It was not a neutrality measure at all.

These are neutrality measures. The United States can not permit the equipping and arming of a vessel within its harbors, for instance, to proceed against another nation with which the United States is itself at peace, without committing an act of war. It becomes the duty of the United States, by whatever means may lie within its power, to prevent the equipping of that expedition, whether by land force or whether by naval force. Otherwise, it gives cause immediately for a declaration of war. If we do not use the proper means to stop a ship which is sailing from one of our ports in violation of our neutrality statutes and the ordinary rules of war, we give cause for a declaration of war against us.

This is simply modifying or getting into proper shape the neutrality laws, filling up the gaps, and providing a method by which the President of the United States can enforce the neutrality laws and keep this country out of war. If a ship sails to sea carrying munitions, or an armed expedition starts from the United States against a country with which this country is at peace, how is the President of the United States going to stop it except by ordering the armed land or naval forces to seize it?

Mr. CUMMINS. Mr. President——

Mr. FALL. Pardon me; just a moment. Now, suppose that in attempting to seize such a ship it becomes necessary for him to sink it, and suppose that the flag of a foreign nation is flying over the ship at that time? Suppose that this expedition, equipped here, chooses to resist the attempt of the President of the United States to perform his duty as a neutral? Suppose that it resists and he sinks the ship? Is that an act of war, when you are firing upon another flag? You prohibit him from going to that length.

Mr. CUMMINS. I will ask the Senator from New Mexico whether it would be an act of war or not?

Mr. FALL. It would be a justification for a declaration of war upon the part of the other nation if she chose so to consider it. The Senator must know that in time of war all ordinary rules by which you judge the ordinary conduct of nations or individuals are done away with.

Mr. THOMAS. Mr. President, let me suggest to the Senator that it would be an act of war if the amendment of the Senator from Iowa became a law.

Mr. FALL. Precisely. The Senator has assisted me very materially in the point which I was attempting to make. Then you are tying the President's hands. You are depriving him of the means with which he can preserve the neutrality of this Government and protect it against a declaration of war by a foreign nation.

I think the Senator on a little more mature reflection will himself conclude that the adoption of his amendment would be very disastrous. It would be much better—better by far, Mr. President—to reject chapter 9 altogether than to adopt this amendment to it.

Mr. SUTHERLAND. Mr. President, I think it would be unwise to adopt the amendment suggested by the Senator from Iowa. This is a domestic law. We provide by it that when the President has forbidden the shipment or exportation of arms, and an attempt is made to violate the proclamation of the President, he may seize or any person authorized may seize and detain the arms and munitions of war. When that is done, the President is proceeding under the provision of the Constitution which authorizes him to see to it that the laws of the United States are executed. He may call upon any civil force that may be necessary—any number of United States marshals, deputy marshals, or special officers that may be necessary—to execute that law or any other law. Now, because that force may not be sufficient in some given case, we desire to authorize him further, for the purpose of executing a law of the United States, to utilize the Army and the Navy as well as the civil officers, the United States marshals, and their deputies.

How can it be possible that an act of the President in executing, under the terms of the Constitution, a law of the United States can be an act of war? It might result in war, and so might any act of the President; but we must proceed upon the theory that the President in executing the law—this law or any other law of the country—will act discreetly. I think there would be danger of embarrassing him by a provision of this kind. How shall he interpret it? If he finds that he is going to take action that will offend some foreign country and may result in a declaration of war on their part, conceivably he may be justified in going ahead, nevertheless. It is a matter that ought to be left to him, and about which we ought not to attempt in advance to tie his hands.

I think it would be an extremely unfortunate thing to adopt this amendment.

Mr. CUMMINS. Mr. President, I do not get much encouragement for this amendment, and I understand perfectly well the reason. I do not believe that any power could now be proposed for delegation to an Executive that would not receive the approval of a great many people. The argument just made by the Senator from Utah answers itself, as it seems to me. He said that the employment of the Army and the Navy in pursuance of this law would not be an act of war, and I think he is quite right about that in most instances. There is, however, Mr. President, such a thing as an act of war as distinguished from a trespass or an unlawful seizure or a misdirected effort of our civil or military forces.

I am not prepared to define the phrase "an act of war," but it is nevertheless fairly well understood in the literature of the subject. If in order to enforce a law of the United States it becomes necessary for this country to commit an act of war, I think the order of Congress should precede it.

I do not mean, now, an act which may bring about war. There are many things that we may do lawfully which will so provoke another country that the other country may declare war against us. That we can not avoid; but in the execution of our law or in the attempted execution of our law to commit the act of war it seems to me is a situation upon which Congress ought to act. You might just as well say to the sheriff, "If you find it necessary in order to enforce the act, kill your prisoner." Nobody thinks of giving that power to the sheriff, although the sheriff may have power, properly so, in making an arrest to take the life of the prisoner.

Mr. OVERMAN. Does the Senator think that it is any more than the right to protect property?

Mr. CUMMINS. The President has that authority now. He has the authority to summon the posse comitatus to enforce the law.

Mr. OVERMAN. This authorizes him to use the naval forces to carry out the law.

Mr. CUMMINS. He has authority to use the naval forces of the United States to execute the law. Does the Senator from North Carolina dispute that?

Mr. OVERMAN. I think he has the authority to execute the civil law, and that is all this does.

Mr. CUMMINS. No; I can not quite agree with the Senator from North Carolina. If that is all that this does, it would not be an act of war. No one questions the right of the President to use the military forces of the country to preserve the peace. No one questions the right. Do you doubt that? No one questions the right of the President to use a regiment of soldiers that a mail train may move. Do you doubt that?

Mr. OVERMAN. Does the Senator doubt that we have a right to say the President shall enforce the neutrality laws by the Army and Navy?

Mr. CUMMINS. I have no doubt about it whatever; but if the President uses the Army and the Navy in the absence of any statute in prosecuting a war against a foreign nation, then he violates his duty.

Mr. FALL. If the Senator will allow me——

Mr. CUMMINS. I yield.

Mr. FALL. Does not the Senator forget or overlook the distinction between an act of war and a cause for war?

Mr. CUMMINS. No.

Mr. FALL. Does not the Senator think that the Executive of this country can commit an act without an act of Congress that you can call an act of war without giving a cause for war?

Mr. CUMMINS. No; I think he can give a cause for war, but I have supposed that there were certain things that were acts of war and were so recognized in all international obligations. For instance, suppose the President would take our Navy and bombard Habana, I suppose that would be an act of war. What does the Senator from New Mexico think about it?

Mr. FALL. Under certain circumstances it would not be a cause for war as recognized by every international law writer who has ever written on the subject and as recognized by all the tribunals which have ever passed upon the subject. It depends upon the circumstances under which the bombardment is carried on. That constitutes the distinction between an act of war and a cause for war.

Mr. CUMMINS. My amendment does not suggest cause for war.

Mr. FALL. No; but it prohibits the act for war.

Mr. CUMMINS. It prohibits the act of war. I do not want the President of the United States to take our Navy to Habana or anywhere else and bombard a foreign city or capture a foreign ship unless the law in view of the situation authorized him to do it.

Mr. FALL. Yet in the past history of this country the different Executives of this country have done just exactly those things in over fifty instances, without bringing on war and under circumstances which invariably have been declared as not constituting a cause for war.

Mr. CUMMINS. I am not as well versed in this great subject as is the Senator from New Mexico, of course, and he is undoubtedly right about it; but most of those instances are instances that I would have liked to prevent. I have known since my advent into public life the use of our Navy in a way that brought shame to the cheeks of every liberty loving citizen of our country. I am not speaking about this administration more than those which preceded it. I know how we have used the Army and the Navy, and especially the Navy, and so does every reading man. We have used it in a way that if the Nation which was the object of our power were strong enough we would have been at war constantly for the last 16 years; there would have been no moment of peace if the weaker countries in the south had had the military power that Great Britain or Germany has. So far as I am concerned, I do not want the President to use the great strength of our Army and Navy in that way. I can describe it in no better terms than by committing an act of war.

Mr. OVERMAN. I fail to see that he can commit an act of war under this chapter.

Mr. CUMMINS. Then my amendment will do no harm.

Mr. OVERMAN. I think it would.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have been detained from the Chamber. I am sorry I have missed this interesting debate. I assume the position the Senator takes, as I have heard it, is that the bombardment of Vera Cruz by our Navy was practically an act of war.

Mr. CUMMINS. It was an act of war, and the President of the United States came to Congress in order to get approval of it.

Mr. GALLINGER. Had it been Germany or Great Britain in place of Mexico, beyond doubt we would have been in war, would we not?

Mr. CUMMINS. Undoubtedly.

Mr. OVERMAN. That has nothing to do with this act at all, to authorize the use of the Navy to maintain neutrality.

Mr. FLETCHER. May I ask the Senator from Iowa a question? Assuming the act to be constitutional, within our right and our power, and a valid act, does the Senator believe the carrying out or the execution of that act could in any event be an act of war?

Mr. CUMMINS. I think so.

Mr. FLETCHER. It seems to me the only possible instance where there could grow out of it an act of war would be in doing something ultra vires, something beyond the power granted by the act, which might grow and develop into some movement to enforce the act; but have we a right to assume and are we justified in assuming that the President would deliberately commit an act of war?

Mr. CUMMINS. I do not assume that. Mr. President, I am judging this question not by any confidence or want of confidence that I may have in any official. I do not think that it is a good way in which to test the merits of a law to say that it will not be abused by a particular man. Even granting that the present Chief Executive would use the power wisely and discreetly—and I have no doubt that he would—he is not the only President who will have the right to use the power as time goes on. It may be that I am all wrong with regard to what constitutes an act of war. It may be that there is not any difference between the peaceful execution of our power and the warlike execution of our power. If it may be that if we wanted to get back a citizen of the United States who had taken refuge in Germany, we might take our battleships to a German port, capture the port, and take our Army and go into the interior of the country and arrest him and bring him back. According to the view that seems to be held, that would be a perfectly valid thing to do, and we would commit no act of war in doing it, for we have a right to the return of our citizen under existing treaties.

Just so with the exportation of arms upon which an embargo has been laid. We have a right to lay the embargo, and if the law is violated we have a right to punish the person who violates it, and we have a right to capture if we can the vessel or vehicle, whatever it may be, that is bearing the arms away to the forbidden place. But there are circumstances under which we would have no right to take them with our Army and our Navy.

Mr. SMITH of Michigan. They were so circumstanced at Vera Cruz. The Senator will recall that the ostensible object of sending our fleet to Vera Cruz was to prevent the landing of a German ship with arms on board. Admiral Mayo could have taken care of himself and his gunboat without any trouble at all, but our fleet went down there to arrest the delivery of arms and ammunition to a Government with which he was, at least, ill disposed.

Mr. FALL. I wish to ask the Senator from Michigan what he thought of the action of this Government two years prior, or a little more, in bombarding Corinto in Nicaragua?

Mr. SMITH of Michigan. I think it was very reprehensible.

Mr. FALL. I thought the Senator was one of those who advocated that action.

Mr. SMITH of Michigan. No; it was very reprehensible, and I should like to go just a step further. Our Navy has been employed to take away the officials of a friendly Government and imprison them against their will and against the wishes of the Government they represented without any authority whatever of law.

Mr. CUMMINS. Mr. President, I do not profess to be master of the subject of international law, on this phase at any rate, but I do know that if we are to have peace instead of war no executive officer ought to have the right to use our Army and Navy in an act of war without the specific authority of Congress.

Mr. SUTHERLAND. May I ask the Senator from Iowa a question before he takes his seat? We have repeatedly passed laws providing that the President of the United States in the execution of them might utilize the land and naval forces in the execution of our domestic laws. That has been done repeatedly, covering a period of more than a hundred years. Has the Senator in mind any instance whenever any such qualification as he proposed here has ever been put upon one of those provisions?

Mr. CUMMINS. I have no recollection of any such language. The situation, however, was entirely different.

Mr. SUTHERLAND. Let me call the Senator's attention to a few instances, and there is a large number of them. Section 1989 of the Revised Statutes provides that—

> It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

That was the title with reference to civil rights.

Now, in another section, 2460, the provision is—

> The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Those two instances, it is true, were confined to matters that could not by any possibility involve us with any other nation,

but we have authorized it in dealing with other countries. For example, in section 5288 of the Revised Statutes, there is the following provision:

It shall be lawful for the President or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

There is a statute which was passed in 1818, nearly a hundred years ago, and as I said, there are repeated instances of that kind. It never seems to have been thought necessary heretofore to attach to them any such limitation as the Senator from Iowa presents, and no difficulty has arisen in the past. I can not see myself that there is the slightest danger of any difficulty arising in the future.

Mr. CUMMINS. Mr. President, It might be said that no great difficulty would arise if we would confer all governmental power on the President. I really think at times we would be much better governed if we were not to interpose any authority on the part of Congress. It is rather an obstinate body and not at all certain in its results. But after all, I am afraid of the one-man power, I always have been, and I hope I always will be. I do not intend by my vote or voice to give one man any more authority than is necessary to enable him to fairly and reasonably execute our laws.

The debate has created a doubt in my mind with respect to the phraseology of my amendment, although it has deepened my conviction with regard to its general merit. At this moment I intend to withdraw the amendment, with the consent of the Senate, in order that I may if possible redraft it in more appropriate terms, terms that will be more certain to reach the end I have in view.

Mr. OVERMAN. I have no objection.

Mr. FALL. Mr. President, I suggested a question to the Senator. I think there may be some confusion possibly as to what act of war justifies a declaration of war. I do not think there is any question that it would not be settled by any international law or authority as to the proposition which I am going to advance.

The attack of the naval forces of this country upon Vera Cruz was an act of war, as it was made for a reason that, in my opinion, was a cause of war. Had it been made for the purpose, as I urged upon the Senate that they should so declare, of protecting American citizens, while it would have been an act of war, it would not have been a cause of war. The bombardment of Greytown fifty-odd years ago was an act of war; it was even protested against by Great Britain, under whose protection the Mosquito Coast was at that time; but it was not a cause of war, because it was for the protection of American citizens. It was in pursuance of our duty as a Government to our own people. The marching of the armed forces of the United States into Peking was an act of war; it was not a cause of war. The attack by the naval forces of the United States upon Japan in 1854 was an act of war; it was not a cause of war, because it was in pursuance of our constitutional duty to protect our seamen and our citizens against piratical and unwarranted attacks.

The President of the United States now has a duty to perform in maintaining the neutrality of the United States. Under all the laws of war and under all international law, recognized by every civilized and semicivilized nation, a country such as ours must pursue certain methods to preserve its neutrality or it gives a cause for war to another country. The President of the United States here is authorized to use the naval forces of the United States, if, in his judgment, he thinks it is necessary to preserve the neutrality of the United States. It would be far better that he should go even to the extent of committing an act of war in preserving neutrality, than that he should give a cause for war by failure to preserve neutrality. That is exactly the distinction here.

In the event it were attempted now to arm and to munition a ship for Germany or for Great Britain in one of the ports of this country for use against Germany or Great Britain, as the case might be, and we permitted the arming and the sailing of that vessel, it would be a cause for war upon the part of the nation whose commerce that vessel proposed to harry. If that vessel escapes beyond the 3-mile limit and raises the flag of Great Britain, and the President of the United States, ordering our naval forces to pursue her, fires upon that vessel bearing the flag of Great Britain, he commits an act of war, but he does not give cause for war, because the vessel has violated our neutrality laws, and under ordinary international law pertaining to war and the duty of neutrals; if he did not pursue it but allowed that vessel under the British flag to proceed on its way and to commit any act against Germany, the President would give cause for war, and a declaration of war on the part of the nation under whose flag the vessel was sailing.

Mr. CUMMINS. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. CUMMINS. Either the Senator from New Mexico or myself totally misunderstands the proposed statute with which we are dealing. It has nothing to do with neutrality. We may forbid the exportation of arms and munitions of war to any other country if we care to do so, but this is not confined to time of war; it is just as operative in time of peace. It does not deal with our neutral obligations, but it deals with a situation in which we have by statute authorized the President to forbid the export of arms and munitions.

Mr. FALL. Mr. President, we may, in any terms that we choose, by statute constitute as a portion of our neutrality laws an embargo act against the shipment of arms and munitions from this country. That would then become, if passed for the preservation of neutrality, a portion of our neutrality statutes. The chapter to which this section 8 is attached is:

To authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained.

That is exactly what I am speaking of. In 1798 it became necessary for the Congress of the United States to pass a neutrality act to prevent exactly this state of affairs, and we did enact it, and it is still a portion of our law. It has always been defective. We found it so whenever we undertook to enforce it. A vessel sails from New York loaded down with arms. As soon as it gets beyond the 3-mile limit it proceeds to arm itself. It is prepared to do so. It has the guns with which to arm itself and with which to harry the commerce of another nation. Although the vessel when it leaves the harbor may not be armed, if we pass an act prohibiting its sailing with such arms on board as may enable it to arm itself and become a piratical cruiser, how would you enforce the law except by the naval forces of the United States? In the event it raises the flag of a foreign country while we are in pursuit of it, immediately after it has passed beyond our 3-mile limit, and we fire upon it, it is an act of war, but nevertheless we should not allow it to proceed. It should be in the power of the President to catch that vessel as it approaches the port for which it is headed, although he may have to pursue it 3,000 miles across the Atlantic Ocean, because that enables him to keep this great Nation out of war.

These are not war measures; these are measures to preserve the peace; and I had rather place more power in the hands of the President of the United States to preserve the peace of this great Nation than to make war; and if it is necessary for him to commit an act of war, as it is whenever he uses the naval or the land forces of the United States to protect an American citizen, I am thankful, sir, that we have such a history behind us as to justify the Congress of the United States in placing in his hands the weapons with which he should pursue that object. I am grateful to know that the acts of the Presidents of the United States, even without the direct authority here conferred by Congress, have been approved by history and by the people of the United States, and have invariably resulted in the prevention rather than the bringing on of war.

The VICE PRESIDENT. The Chair understands that the Senator from Iowa has withdrawn his amendment.

Mr. OVERMAN. The Senator from Iowa has withdrawn the amendment. I ask now that the reading of the proposed substitute be resumed, and I should like to get through with the reading this evening, if possible.

The Secretary read as follows:

CHAPTER X.

[S. 6794.]

To empower the President to better enforce and maintain the neutrality of the United States.

SECTION 1. During the existence of a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person or persons in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations.

SEC. 2. In case any such vessel shall depart or attempt to depart from its port or from the jurisdiction of the United States without clearance or after receipt of formal notice forbidding its departure as provided in the foregoing section, the owner, master, or other person or persons having charge or command of such vessel shall severally be fined not more than $10,000 or imprisoned for not more than two years, or both.

SEC. 3. During the existence of a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master or person having charge of such vessel shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners or master or person having charge thereof to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

SEC. 4. During the existence of a war in which the United States is a neutral Nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

SEC. 5. Whoever shall violate or conspire or attempt to violate the provisions of sections 3 or 4 of this chapter shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

SEC. 6. Any vessel which shall be taken, or attempted to be taken, out of the jurisdiction of the United States contrary to the provisions of this chapter, or any provision hereof, shall be forfeited to the United States, together with her tackle, apparel, furniture, equipment, armament, and her cargo.

SEC. 7. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

SEC. 8. The provisions of this chapter shall be deemed to extend to all land and water, continental or insular, in any way within the jurisdiction of the United States.

SEC. 9. The joint resolution approved March 4, 1915, "To empower the President to better enforce and maintain the neutrality of the United States," and any act or parts of acts in conflict with the provisions of this chapter, are hereby repealed; but all offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law or joint resolution embraced in, changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof, may be commenced and prosecuted in the same manner and with the same effect as if this act had not been passed.

CHAPTER XI.

[S. 6795.]

To authorize the collector of customs, or other officer duly empowered by the President, during time of war between foreign nations, to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes.

SECTION 1. Whenever the President of the United States shall by proclamation or Executive order declare a national emergency to exist by reason of actual or threatened war, insurrection or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury is hereby authorized and empowered to make rules and regulations governing the anchorage and movement of any and all vessels, foreign and domestic, in the territorial waters of the United States, to inspect such vessels at any time, to place guards on such vessels, and, if necessary in his opinion in order to secure such vessels from damage or injury or to secure the observance of the obligations of the United States under the law of nations or to maintain the national defense, he is hereby further authorized and empowered to take full possession and control of such vessels and to remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board such vessels.

SEC. 2. It shall be the duty of the owners, agents, masters, persons in charge, officers, and members of the crew of any such vessel to comply with any proclamation or Executive order so issued by the President of the United States and any rule or regulation issued or order given by the Secretary of the Treasury under the provisions of this chapter, and if any such owner, agent, master, or person in charge, officer, or member of the crew of any such vessel shall refuse or fail to comply with any such proclamation or Executive order of the President or any regulation or rule issued or order given by the Secretary of the Treasury under the provisions of this chapter, or shall obstruct or interfere with the exercise of any power hereby conferred, such vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person or persons guilty of such failure, refusal, obstruction, or interference shall be subject to a fine of not more than $10,000 or to imprisonment for not more than two years, or both.

SEC. 3. It shall be unlawful for the owner or master or other person in charge or command of any private vessel, foreign or domestic, within the territorial waters of the United States, to willfully cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the owner, master, or person in charge or command thereof shall be fined not more than $10,000 or imprisoned not more than two years, or both.

SEC. 4. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this chapter.

SEC. 5. The term "United States" as used herein shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

SEC. 6. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this chapter, committed within their respective districts or upon the high seas, and of conspiracies to commit such offenses, as defined by section 37 of the act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, and the provisions of said section, for the purpose of this chapter, are hereby extended to the Philippine Islands and to the Canal Zone.

Mr. OVERMAN. Mr. President, I introduce an amendment and ask that it may be printed in the RECORD and called up in the morning.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Secretary will state the amendment.

Mr. OVERMAN. I rather think, however, that we can pass on it now. I do not think there will be any objection to it.

The SECRETARY. On page 32, line 2, after the word "States" and before the period, it is proposed to insert the following:

Provided, That the Governor of the Panama Canal, with the approval of the President, shall make all necessary rules and regulations to carry into effect the provisions of this act in the territory and waters of the Canal Zone within the jurisdiction of the United States.

Mr. OVERMAN. Mr. President, I have here a long letter from the Secretary of War showing the importance of adopting this amendment to give him authority in the matter. I will not take the time to have it read to-night unless some Senator desires to have it read, but ask that it may be published in the RECORD.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the letter will be published in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, February 12, 1917.

Hon. LEE S. OVERMAN,
Committee on Judiciary, United States Senate,
Washington, D. C.

SIR: My attention has been called to the bill (S. 6795) with reference to regulating the conduct of vessels in the ports and waters of the United States in case of actual or threatened war, insurrection, or invasion, or threatened disturbance of the international relations of the United States, which was reported by you to the Senate with an amendment on the 8th instant.

The amended bill provides that the Secretary of the Treasury shall be authorized and empowered to make rules and regulations governing the conduct of certain vessels in the territorial waters of the United States, and that if any officers in charge of such vessels shall refuse or fail to comply with such regulations or rules, such vessels, together with their tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs-revenue laws. Section 5 of the amended bill provides that the term "United States" as used therein shall include the Canal Zone.

If this bill as it now reads should become a law it would mean that the Secretary of the Treasury would have jurisdiction in the matter of regulating the conduct of vessels in the ports and waters of the Canal Zone. This would be undesirable, as it has always been the policy of the Government that all canal matters should be handled through one head. All legislation for the canal has consistently conferred authority only upon the President of the United States, and has not recognized any department. The Panama Canal act, approved August 24, 1912, and the act approved August 21, 1916, confer certain broad powers upon the President for the maintenance, protection, and operation of the Panama Canal, and already certain Executive orders and regulations have been issued to carry into effect the provisions of these acts. There has, therefore, been a desire evinced in the legislation to control the canal as one unit. It is believed that all canal matters should be centralized under one head, and not divided up for supervision and direction among the different departments, where they might otherwise properly go.

In so far as the continental United States is concerned, the Secretary of the Treasury has an organization which would enable him to enforce the provisions of bill S. 6795. The Treasury Department, however, has no organization in the Canal Zone, and the ports of the Canal Zone, by act of Congress (33 U. S. Stats., 843), are treated as foreign ports. The Governor of the Panama Canal, however, has under his supervision and control an organization which can carry into effect the provisions of the bill in question, to be administered in conjunction with the power already conferred upon the governor to protect and operate the canal. Under these circumstances it is urged that the proposed amendment to the pending bill be amended by inserting a proviso at the end of section 5, line 17, page 5, reading substantially as follows:

"*Provided*, That the Governor of the Panama Canal, with the approval of the President, shall make all necessary rules and regulations to carry into effect the provisions of this act in the territory and waters of the Canal Zone within the jurisdiction of the United States."

I am firmly of the opinion that if the bill is amended as indicated above it will simplify the administration of the same so far as the Canal Zone is concerned, and will also insure better protection of the Panama Canal through absolute coordination of the United States forces.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

[From the Evening Star, Washington, D. C., Tuesday, Feb. 13, 1917.]

GOVERNOR OF CANAL ZONE GIVEN BROAD AUTHORITY—PRESIDENT SIGNS ORDER ACCORDING UNLIMITED POWER IN REGULATING IMMIGRATION THERE.

An Executive order designed to exclude spies and other undesirable persons from the Panama Canal Zone and giving Col. Harding, governor of the zone, virtually unlimited authority in regulating immigration there, has been signed by President Wilson.

The text of the document has not been made public, but it was described to-day as containing broad provisions, under which the governor would be practically unrestricted in preventing entry of persons who "would be a menace to the general welfare."

Provision also is made under which the governor may expel from the Canal Zone and deport therefrom any person convicted of a criminal offense in the grade of felony, or whose presence, in the judgment of the governor, would tend to create public disorder or in any manner impede the prosecution of the work of opening the canal or its maintenance, operation, sanitation, or protection.

The Secretary read as follows:

CHAPTER XII.

[S. 6793.]

To prevent and punish willful injury or attempted injury to, or conspiracy to injure, any vessel engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosion, or otherwise.

SECTION 1. Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom, or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than $10,000 and imprisoned not more than 10 years.

CHAPTER XIII.

[S. 6796.]

To require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon, during a war in which the United States are a neutral nation, and for other purposes.

SECTION 1. During a war in which the United States is a neutral nation, in addition to the facts required by sections 4197, 4198, and 4200 of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be, and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the Collector of Customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas, and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

SEC. 2. Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section of this chapter are false, the Collector of Customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of the Treasury, to refuse clearance to any vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port.

SEC. 3. Whoever, after clearance has been refused or notice served as provided in section 2 of this chapter, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, so refused clearance or forbidden to depart, out of the port where clearance was refused, or departures forbidden, shall be fined not more than $10,000 or imprisoned not more than five years, or both; and, in addition, the vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

SEC. 4. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

SEC. 5. All offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted in the same manner and with the same effect as if this act had not been passed.

CHAPTER XIV.

[S. 6819.]

To provide for the issuance of search warrants and the seizure and detention of property thereunder, and for other purposes.

SECTION 1. Before any search warrant shall issue the officer or person desiring its issuance shall make a written application duly verified by his oath or affirmation to a judge of a United States district court, or to a judge or magistrate of a State, Territorial, or municipal court, or to a United States commissioner for the district wherein the property or papers sought are known or believed to be located setting out the following matters:

(1) The authority under which the applicant seeks to enforce, or assist in enforcing the law of nations, treaty obligation, or statute law of the United States which he alleges has been, is being, or is intended to be violated;

(2) The facts upon which his knowledge, or the grounds of his belief, if his application be based upon belief, that a violation of the law of nations, or treaty obligations, or statute of the United States as in this chapter provided has been, is being, or is intended to be accomplished; and

(3) As full and particular description of the property or papers sought for, and of the place or places where the same are known or believed to be, as his knowledge or belief will permit, which said description shall recite the general characteristics of the property or papers sought or some fair proportion thereof, with such reasonable particularity as may be sufficient to identify the same when found.

SEC. 2. Upon the making to him of any such application the judge, magistrate, or commissioner to whom the same is addressed shall forthwith consider it and may summon and examine under oath such further witnesses if any as he may deem desirable, or require further affidavits, as the convenience of the case may require; and if the application is based upon knowledge and he shall find that the applicant would be authorized to execute the search warrant, if issued, and that the said application conforms to the requirements of section 1 of this chapter, he shall forthwith issue the same; and if the said application is based upon belief, then the judge, magistrate, or commissioner, as the case may be, shall not only have the power and jurisdiction to inquire into the authority of the applicant to execute the warrant, if issued, and to examine and pass upon the sufficiency of the application therefor, but shall also consider and decide whether there is probable cause to believe that the property or papers described have been, are being, or are intended to be possessed, used, or employed in the manner set out in said application. If he shall decide that the applicant is authorized to have a search warrant issued to him, and that the application is in due form, and further, that there is probable cause for its issuance, he shall forthwith issue such warrant.

Mr. THOMAS. Mr. President, at the end of section 2 I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 39, line 6, after the word "warrant" and the period, it is proposed to insert the following:

Warrants issued under the provisions of this chapter to enter and search houses, stores, or other structures shall be served, and the house, store, or other structure shall be entered and searched in the daytime only.

Mr. THOMAS. That is conforming to the general law with regard to search warrants.

Mr. OVERMAN. I do not object to that. I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERMAN. Mr. President, I wish to announce the absence of my colleague [Mr. LEWIS] in these proceedings because of continued illness.

The Secretary read as follows:

SEC. 3. Whenever any property or papers shall be seized and detained on a search warrant issued under the provisions of this chapter, the owner or claimant thereof may forthwith file with the judge, magistrate, or commissioner issuing said warrant his petition setting out his title or claim of ownership to or right to the custody of such property or papers, and any other facts legally tending to require restoration of the property or papers to the claimant; whereupon such judge, magistrate, or commissioner, after due notice, not exceeding five days, to the United States attorney for the district and the persons making such seizure, shall proceed to speedily hear and determine the case and order the property or papers restored to the owner or claimant, or shall order the same retained in the custody of the person seizing them to be used as evidence in any case or proceeding, civil or criminal, in which the United States may be interested, or to be otherwise disposed of according to law.

SEC. 4. No search warrant shall issue hereunder to other than a civil, military, or naval officer of the United States duly authorized to enforce or assist in the enforcement of any law thereof, or to a person so duly authorized by the President of the United States.

SEC. 5. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than $300 and imprisoned not more than one year.

SEC. 6. All laws and parts of laws inconsistent with the provisions of this chapter of this act are hereby repealed.

The reading of the proposed substitute was concluded.

Mr. OWEN. Mr. President, I wish to propose an amendment which I have suggested to the Senator in charge of the bill.

On page 10, line 9, I move to strike out the word "defeat" and insert the word "influence"; and on line 10 I move to strike out the words "in relation to any dispute or controversy" and insert the words "or any branch thereof," so as to make it read that it is an offense to make a false statement willfully "with a view or intent to influence any measure of, or action by, the Government of the United States or any branch thereof."

Mr. OVERMAN. Mr. President, that can go in the RECORD, and we will have it before us to-morrow when it comes up.

The PRESIDING OFFICER. Let the amendment be stated.

The SECRETARY. On page 10, line 9, it is proposed to strike out the word "defeat," the first word in the line, and insert "influence," and on line 10 to strike out the words "in relation to such dispute or controversy" and insert "or any branch thereof."

The PRESIDING OFFICER. The amendment will go over until to-morrow, at the request of the Senator from North Carolina.

Mr. RANSDELL. Mr. President, I wish to announce to the Senate that immediately upon the conclusion of the consideration of this measure I shall move that the Senate proceed to the

consideration of the flood-control bill, H. R. 14777. I shall press the consideration of that measure.

Mr. FLETCHER. I desire to say, as I have said before, that upon the conclusion of the consideration of this bill I shall ask the Senate to take up the rivers and harbors appropriation bill.

Mr. OWEN. Mr. President, I should like to give notice that upon the termination of the consideration of this bill I shall move to take up the corrupt-practices bill.

The PRESIDING OFFICER. Are there any further announcements?

Mr. SHAFROTH. I wish to announce that at the conclusion of the consideration of this bill, if not before, I shall call up the Porto Rican bill.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until to-morrow morning at 10.30 o'clock.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Friday, February 16, 1917) the Senate took a recess until to-morrow, Saturday, February 17, 1917, at 10.30 a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 16, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, take us into Thy kind care and lead us by Thy counsels through the turmoil, contentions, and unholy strife which have entered into the world, dethroning reason, robbing men of conscience, making them veritable fiends, rendering life and all its sacred rights void. Interpose, we beseech Thee, Thy holy influence and bring order out of chaos, peace out of war; that brotherly love and good will may prevail, and righteousness have its sway through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois;

H. R. 14471. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary";

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States;

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.; and

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry.

LEAVE OF ABSENCE.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. SMITH] be given leave of absence for three days on account of illness.

The SPEAKER. Is there objection?

There was no objection.

GENERAL DAM BILL.

Mr. ADAMSON. Mr. Speaker, the Senate has sent over the papers in the bill S. 3331, the general dam bill, and has requested a further conference, and I desire to give notice that on Tuesday next, after the reading of the Journal, I shall ask the Speaker to lay that bill before the House.

Mr. MANN. Does the gentleman expect then to move to agree to a conference report?

Mr. ADAMSON. I do not know. I am going to ask the House to pass upon it. We have failed to secure an agreement. The request of the Senate for a further conference, I suppose, ought to be treated courteously and disposed of in some way.

The SPEAKER. The gentleman from Georgia gives notice that on Tuesday next he will call up the general dam bill.

MEMORIAL TO ADMIRAL DUPONT.

Mr. SLAYDEN. Mr. Speaker, I call up Senate joint resolution 205, authorizing the removal of the statue of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, now on the Speaker's table. It is word for word the same as House joint resolution 347, which has been reported, and is now on the Union Calendar.

The SPEAKER. The Chair lays before the House Senate joint resolution 205, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the removal of the statue and pedestal and foundations of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection in place thereof within the circle of a memorial to said Admiral Dupont: *Provided*, That the present statue and pedestal may, after the completion of the memorial in place thereof, be turned over to the donors of the memorial for relocation outside the District of Columbia: *Provided further*, That the site and design of the memorial shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the removal of the statue, pedestal, and foundations and the erection of said memorial, complete: *Provided further*, That if the erection of this memorial shall not be begun within three years from and after the passage of this joint resolution, the permission granted may, in the discretion of the Chief of Engineers, United States Army, be revoked at any time.

Mr. KING and Mr. MANN rose.

Mr. MANN. Mr. Speaker, I desire to offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting an additional proviso in line 4, page 2, after the word "complete," as follows:

"*Provided further*, That no greater area in the said Dupont Circle shall be taken for the memorial herein authorized than the small circle now occupied by the statue of Admiral Dupont."

Mr. GARNER. Mr. Speaker, this resolution is on the Union Calendar, and it occurs to me that the gentleman ought to obtain unanimous consent to consider it in the House as in the Committee of the Whole.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to consider the resolution in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

Mr. KING. I object.

VOCATIONAL EDUCATION.

Mr. HUGHES. Mr. Speaker, I call up the conference report on the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

The SPEAKER. The gentleman from Georgia calls up the conference report on the vocational education bill, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1495).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trade and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment